

FACE SHEET

86-1224-26
(See Instructions on Reverse)

ORD #1186-54

SUBMITTED FOR REVIEW

DEC 24 1986

OFFICE OF ADMINISTRATIVE LAW

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

Frank S. McHugh

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 12-23-86

FILED

In the office of the Secretary of State
of the State of California

JAN 05 1987

At 4:59 o'clock P.M.

MARCH FONG EU, Secretary of State

By *Julie Cole*
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING

JAN 5 1987

Office of Administrative Law

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions) TITLE TELEPHONE
Mrs. Rosalie P. Clark Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
(Complete Part 4 below)
3. a. Specify California Administrative Code title and sections as follows:
Title 22 SECTIONS ADOPTED: 63-064, 63-301.7
SECTIONS AMENDED: 63-102p(8); 300.3, .51, .52; 301.6; 301.7, .8; 402.2; 403.3; 406.3;
409.1; 501.521(f), .7, .9; 502.13, .14; 503.1, .2, .3; 503.44, .45; 504.12, .23, .61, .62; 505.4
SECTIONS REPEALED: 63-501.8
b. The following sections listed in 3a contain modifications to the text originally made available to the public:
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPCC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER Not Applicable
b. DATE OF FINAL AGENCY ACTION December 23, 1986
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Not Applicable
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☒ Effective on 02/01/87 (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

1) Adopt new Section 63-064 to read:

63-064 IMPLEMENTATION OF CATEGORICAL ELIGIBILITY FOR 63-064
PUBLIC ASSISTANCE RECIPIENTS

.1 The amended provisions specified in Section 63-064.5 shall be effective retroactively to December 23, 1985. Any household that applied for and was denied benefits from that date shall be entitled to restored benefits if it was categorically eligible in accordance with these provisions and:

.11 Is otherwise entitled to benefits, and requests a review of its case; or,

.12 The CWD otherwise becomes aware that a review is needed.

.2 The CWD shall send general notices, as prescribed by SDSS, to inform households that they may be entitled to restored benefits as a result of these regulations.

.3 Restored benefits to entitled households shall be made available in accordance with Section 63-802 back to the date of the food stamp application or December 23, 1985, whichever is later.

.4 Effective February 1, 1987, the CWD shall implement the amended provisions in Sections 63-064.5 and .6 for all new applications filed on or after that date.

.5 The sections affected by the categorical eligibility revisions include:

63-102p(8); 300.515, .518, .523; 301.6, .63, .631, .631(a) and (b), (b)(1) and (2), .632, .632(a) - (d), and .634(a); 301.7, .71, .71, .721, .722, .723, .724, .73, .731 - .733, .74, .741 - .745, .75, .76, .761 and .762, .8, and .9; 403.388; 409.1, .111, and .12; 501.8; 503.11, .211, .231, .321, .322, .329, .329(a), and .422(d)(4); 504.121, .121(a), .231(a), 504.611(a) and (b), .624, and .625(b); and 505.4(g) and (h).

.6 The sections affected by other revisions include:

63-402.21, .22, .221; 406.3; 501.521(f); 501.9; 502.13, .131, .14, .141, .142; 503.44, .441, .441(b)(1); 503.443, .444(a) and (b); and 503.45 and .453.

Authority: Welfare and Institutions Code Sections 10553 and
18904

Reference: Welfare and Institutions Code Section 18902; and 7
CFR 272.1(g)(78).

2) Amend Section 63-102p(8) to read:

63-102 DEFINITIONS (Continued)

63-102

p. (Continued)

(8) "Public Assistance (PA)" means any of the following programs authorized by the Social Security Act of 1935, as amended: Old-age assistance, Aid to Families with Dependent Children (AFDC), including AFDC for children of unemployed fathers, Aid to the Blind, Aid to the Permanently and Totally Disabled and Aid to Aged, Blind, or Disabled. A PA household is a household in which all members receive PA.

(a) For purposes of determining categorical eligibility, PA recipients include individuals authorized to receive PA benefits whether or not they are actually receiving a PA payment. This includes recipients whose PA benefits have been suspended or recouped, or those who are entitled to PA benefits but are not paid such benefits because the grant is less than \$10.00.

(b) For purposes of determining categorical eligibility, PA means AFDC benefits under Title IV-A of the Social Security Act. Any PA households receiving AFDC from a state-only program shall not be considered categorically eligible to food stamp benefits. (See Section 63-402.213 for exclusion of SSI/SSP recipients.)

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; and 7 CFR 273.2(j).

3) Amend Section 63-300.3 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.3 Filing, Notice of Right to File and Withdrawal

Households must file food stamp applications by submitting the forms to the food stamp office either in person, through an authorized representative or by mail. The length of time to deliver benefits is calculated from the date the application is filed in the food stamp office designated by the CWD to accept the household's application.

.31 Each household shall be advised of their right to file an application on the same day it contacts the food stamp office during office hours (Section 63-300.32).

.32 The household shall also be advised that it does not have to be interviewed before filing the application and may file an incomplete application form as long as the form contains the applicant's name and address, and is signed by a responsible member of the household or the household's authorized representative.

.321 The DFA 285-A2, which contains the penalty of perjury statement, must be signed by one adult household member or authorized representative, or a responsible minor when the applicant household is composed entirely of minors and has no adult to act on its behalf.

.33 The CWD shall document the date the application was filed by recording on the application the date it was received by the food stamp office.

.314 Contacting the Food Stamp Office (Continued)

.325 Notice of Right to File (Continued)

.336 Withdrawing Application (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; and 7 CFR 273.2(b).

4) Amend Section 63-300.51 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

.5 Verification (Continued)

.51 Mandatory Verification

The CWD shall verify the following information prior to certification for households initially applying:

.511 Gross Nonexempt Income (Continued)

.512 Alien Status (Continued)

.513 Identity (Continued)

.514 Social Security Numbers (Continued)

.515 Residency

The residency requirements of Section 63-401 shall be verified except as provided in Sections 63-300.515a and 63-301.71. Verification of residency should be accomplished to the extent possible in conjunction with the verification of other information such as, but not limited to: rent or mortgage payments, utility expenses, and identity. (Continued)

.516 Continuing Shelter Expenses (Continued)

.517 Medical Expenses (Continued)

.518 Sponsored Alien

For sponsored aliens, the CWD shall verify the factors of eligibility specified in Section 63-503.49, except as specified in Section 63-301.71. The sponsored alien must provide all verification required by Sections 63-403.32 and .33.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; and 7
CFR 273.2(j)(2).

5) Amend Section 63-300.52 to read:

63-300 APPLICATION PROCESS (Continued)

63-300

•5 Verification (Continued)

•52 Optional Verifications (Continued)

•523 Household Size

The size of the household may be verified. All other factors involving household composition shall be verified only if questionable in accordance with Sections 63-300.531 and 301.72. Verification of household size shall be accomplished through a collateral contact or readily available documentary evidence. Examples of acceptable documentary evidence include, but are not limited to:

- school records
- census records,
- marriage records, or
- any documents which establish identity such as those examples listed in Section 63-300.513.

Any documents which reasonably establish household size must be accepted and no requirement for a specific type of document may be imposed.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901 and 18902; and 7 CFR 273.2(j)(2).

6) Amend Section 63-301.6 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

•6 PA Households

Households in which all members are applying for public assistance (PA) shall be allowed to apply for food stamp benefits at the same time they apply for PA benefits. ~~These households' food stamp eligibility and benefit levels for these households shall be based solely on food stamp eligibility criteria, except as provided for in Section 63-561.9 as specified in Section 63-301.7. Households, whether jointly processed and/or eligible because of their PA status, shall be certified in accordance with the notice, procedural and timeliness requirements of the food stamp regulations.~~

•61 Single Interview (Continued)

•62 Verification Procedures (Continued)

•63 Application Processing Standards and Procedures

As a result of differences in PA and food stamp application processing procedures and timeliness standards, the EWB may have to determine food stamp eligibility prior to determining the household's eligibility for PA payments. Action on the food stamp application shall not be delayed nor the application denied on the grounds that the PA determination has not been made.

•63: The CA 1 is the official application for public assistance and is used in conjunction with the CA 2 Statement of Facts. When all members of a household apply for both food stamps and public assistance (PA), the CA 1 shall serve as the control document for the 30-day processing period. PA applicant households not desiring food stamps shall either enter a signed statement to this effect on the CA 1 or check the appropriate box on the CA 2. If a PA applicant household does not check the box marked food stamps on the CA 1 or specifically indicate that they do not wish food stamps, the household's application shall nonetheless be considered a request for both PA and food stamps unless it is determined otherwise during the interview.

.631 In order to determine if a household will be eligible due to its status as a recipient PA household, the CWD shall be permitted to postpone the food stamp eligibility determination within the 30-day processing standard if the household is not entitled to expedited service and appears to be categorically eligible.

(a) If the PA determination is made within the 30-day processing standard and the household is considered categorically eligible as specified in Section 63-301.7, the CWD shall provide food stamp benefits for the initial month from the date of the food stamp application.

(b) If the PA determination of eligibility is not made by the 30th day, the CWD shall process the application as a Nonassistance (NA) case using all food stamp eligibility and benefit criteria. However, the CWD shall not deny a potentially categorically eligible household until the 30th day.

(1) If the NA case is denied, the Notice of Denial (DFA 377.1) shall inform the household to notify the CWD if its PA benefits are approved.

(2) The CWD shall ensure that the denied application of a potentially categorically eligible household is easily retrievable in the event that PA benefits are subsequently approved. (See Section 63-301.632.)

.632 If any potentially categorically eligible household is denied and later determined eligible to receive PA benefits, the CWD shall provide food stamp benefits using the original application and any other pertinent information occurring subsequent to that application.

(a) The CWD shall not reinterview the household but shall use any available information to update the application and/or mail or make telephone contact with the household or authorized representative to determine any changes in circumstances.

(b) Any changes shall be initialed and the updated application re-signed by the

authorized household member or authorized representative.

(c) Benefits for the initial month shall be prorated from the date the PA benefits are paid, or the date of the original food stamp application, whichever is later.

(d) The CWD shall act on reevaluating the original application either at the household's request, or when it becomes otherwise aware of the household's PA eligibility.

•6323 (Continued)

•6334 For migrant farmworker households, the CWD shall anticipate the amount and date of receipt of the initial PA payment. If the PA payment will not be received until a subsequent month, the CWD shall vary the household's benefit level according to the anticipated receipt of the payment and notify the household (DFA 377.1).

(a*) If the amount or date of receipt of the initial PA payment cannot be reasonably anticipated at the time of the food stamp eligibility determination, the PA payment shall be handled as a change in circumstances. However, the CWD is not required to send a notice of adverse action if the receipt of the PA grant reduces, suspends, or terminates the household's food stamp benefits, provided the household is notified in advance that its benefits may be reduced, suspended, or terminated when the grant is received. Termination of the case shall be permitted if the household is not categorically eligible in accordance with Section 63-301.6.

•6345 (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR
273.2(j) and (j)(1)(iv).

7) Adopt Section 63-301.7 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.7 Categorically Eligible Households

Any household, except those specified in Section 63-301.73, in which all food stamp eligible members receive or are authorized to receive PA benefits, shall be considered eligible for food stamps because of their status as PA recipients.

.71 The eligibility factors which shall be accepted for food stamp eligibility without verification are the resource, gross and net income limits; social security number information; sponsored alien information; and residency.

.72 When determining whether a household is to be considered categorically eligible, the CWD shall verify the following factors, only when questionable, as specified in Section 63-300.53.

.721 The household must contain only food stamp eligible members that are PA recipients as defined in Sections 63-102(p).

.722 The household must meet the definition of household as specified in Section 63-402.

.723 The household must include all persons who purchase and prepare food together in one food stamp household regardless of whether or not they are separate units for PA purposes.

.724 The household does not include persons who have been disqualified as specified in Section 63-301.73.

.73 Households shall not be considered categorically eligible if any member of that household:

.731 Is currently disqualified for an intentional Program violation in accordance with Section 63-805;

.732 Fails to comply with the monthly reporting requirements established in Sections 63-504.32; 505.2, .3, and .4; or

- .733 Fails to comply with the work requirements in accordance with Section 63-407.
- .74 The following persons shall not affect the eligibility of an otherwise categorically eligible household:
- .741 Ineligible aliens as defined in Section 63-403.2;
- .742 Ineligible students as defined in Section 63-406;
- .743 SSI recipients as defined in Section 63-102(s);
- .744 SSN-disqualified persons as defined in Section 63-404;
- .745 Persons institutionalized in an unauthorized facility as defined in Section 63-402.4.
- .75 For purposes of work registration, the exemptions specified in Section 63-407.2 shall apply to individuals in categorically eligible households. Any individual who is not exempt from work registration is subject to the work requirements specified in Section 63-407.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; and 7 CFR 273.2(j)(2).

8) Renumber and amend Sections 63-301.7 and .8 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.78 GA Households

County welfare departments CWDs shall advise all GA applicant households of their potential eligibility for food stamp benefits and provide these households with food stamp application forms DFA 285-A1 and DFA 285-A2. GA households shall not be considered categorically eligible for food stamp benefits.

.781 CWDs shall allow households in which all members are applying for GA benefits to leave a signed food stamp application DFA 285-A2, which contains, at a minimum, the household's name and address, at the GA office. The GA office shall forward these applications that same day to the appropriate food stamp office for processing. The procedural and timeliness requirements that apply to the non-PA application process shall begin when the food stamp office receives the application. Since there may be a delay involved in the transferring of applications from GA office to food stamp offices, households shall be advised that they may receive faster service if they take the application directly to the food stamp office.

.89 Mixed Food Stamp Households

CWDs may use the joint application processing procedures in Section 63-301.6 for a food stamp applicant household in which some, but not all, members are in the PA filing unit. This decision shall not be made on a case-by-case basis, but shall be applied uniformly to all households of this type in the county. Mixed households shall not be considered categorically eligible for food stamp benefits.

Authority: Welfare and Institutions Code Section 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10554 and 18901; and 7 CFR 273.2(j)(3)(i) and (4).

9) Amend Section 63-402.2 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.2 Nonhousehold and Excluded Household Members

.21 Nonhousehold Members

The following individuals residing with a household shall be considered nonhousehold members in determining the household's eligibility or allotment. For purposes of defining a household, the following individuals shall not be included as a member of the household, unless specifically included as a household member under Section 63-402.13. If not included as a member of the household under Section 63-402.13, such individuals shall not be included as a member of the household for the purpose of determining household size, eligibility or benefits level. Their income and resources of such individuals shall not be considered available to the household except as otherwise provided handled in accordance with in Section 63-503.45. Nonhousehold members who are otherwise eligible may participate in the Food Stamp Program as separate households.

.211 Roomers (Continued)

.212 Live-in Attendants (Continued)

.2153 Others (Continued)

.22 Excluded Household Members

The following individuals residing with a household shall be included as a member of the household for the purpose of defining a household under Section 63-402.1. However, such individuals shall not be excluded from considered the household when determining the household's size for the purpose of assigning a monthly allotment to the household, or of comparing the household's monthly income with the income eligibility standards, or when determining categorical eligibility except for Sections 63-402.223 and .224. However, the income and resources of excluded household member(s) shall be considered available to the remaining household members handled in accordance with Sections 63-503.44 and 63-503.45 as appropriate. Excluded household members shall not participate in the Food Stamp Program as separate households.

•221 Ineligible Aliens

Individuals who do not meet the citizenship or eligible alien status in Section 63-403 or the eligible sponsored alien requirements in Section 63-403.33.

•222 SSN Disqualified (Continued)

•223 Intentional Program Violation Disqualified (Continued)

•224 Workfare Sanctioned (Continued)

•~~21~~325 SSI Recipients (Continued)

•~~21~~426 Ineligible Students (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10554 and 18901; 7 CFR 273.1(b)(1) and (2), and 273.2(j)(2).

10) Amend Section 63-403.3 to read:

63-403 CITIZENSHIP AND ALIEN STATUS (Continued)

63-403

.3 Verification (Continued)

.33 Verification of Sponsored Aliens (Continued)

.338 Verification is required for the information specified in Sections 63-403.331 and .332, except as specified in Section 63-301.71. The CWD shall verify all other information which they have determined to be questionable and which affects household eligibility and/or benefit level in accordance with Section 63-300.53 for verifying questionable information.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; and 7 CFR 273.2(j)(2).

11) Amend Section 63-406.3 to read:

63-406 STUDENTS (Continued)

63-406

.3 Ineligible Students

Any student as defined in Section 63-406.1 who does not meet the eligibility criteria of Section 63-406.2 shall be considered an excluded nonhousehold member, and shall be ~~ineligible to participate in the Program.~~ The income and resources of an ineligible student shall be treated in accordance with Section 63-503.45.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR 273.1(b)(2) and 273.5(b)(3).

12) Amend Section 63-409.1 to read:

63-409 INCOME AND RESOURCE MAXIMUMS

63-409

.1 Requirements for Participation

Only those households with income and resources which do not exceed the maximum income and resource eligibility standards shall be eligible to participate in the Food Stamp Program, except for categorically eligible households. (See Sections 63-301.6 and .7.) The maximum income and resource eligibility standards are promulgated and updated by the USDA, and contained in tables reproduced in Handbook Section 63-1101.

.11 Maximum Income Eligibility Standards

CWDs shall implement the updated maximum income eligibility standards upon their effective date(s). Refer to Handbook Section 63-1101 for the most recent maximum eligibility income standards and their effective date(s).

.111 Maximum Gross Income and Net Income Eligibility Standards

The CWD shall determine the eligibility of all households, except as provided in Sections 63-409.112 and 63-301.6 based first on the maximum gross income. If the household is not eligible under this test the application shall be denied. If the household is gross income eligible then the net income eligibility standards reproduced in Handbook Section 63-1101 shall be applied and appropriate denial or approval shall be made. These eligibility determinations shall be made in accordance with Sections 63-503.321 or 323 as appropriate.

.112 Maximum Net Income Eligibility Standards
(Continued)

.12 Maximum Resource Eligibility Standards

Except for categorically eligible households, the CWD shall deny participation in the Food Stamp Program to any household whose nonexempt resources determined in accordance with Section 63-501, exceed the appropriate

maximum resource eligibility standards specified in Handbook Sections 63-1101.21 and .22.

.121 (Continued)

.122 (Continued)

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10554 and 18901; 7 CFR 273.2(j), 273.8(a), and 273.9(a).

13) Amend Section 63-501.521(f) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

•5 Resource Values (Continued)

•52 Handling of Licensed Vehicles. (Continued)

•521 The entire value of any licensed vehicle shall be excluded if the vehicle meets any of the following conditions: (Continued)

(f) Necessary to transport a physically disabled household member, including an excluded disabled household member whose resources are being considered available to the household, as specified in Section 63-503.44, regardless of the purpose of such transportation. There shall be a ~~limited to~~ of one vehicle per physically disabled household member. The vehicle need not have special equipment or be used primarily by or for the transportation of the physically disabled household member. However, a vehicle shall be considered necessary for the transportation of a physically disabled household member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle that makes it possible to transport the disabled person.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 10554 and 18901; and 7 CFR 273.8(h)(1)(vi).

14) Amend Sections 63-501.7 and .9; and repeal .8 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.7 Resources of Nonhousehold Members

The resources of nonhousehold members, as defined in Section 63-402.21, shall ~~not~~ be counted as available to the household ~~handled in accordance with Section 63-503.45.~~

~~.8~~ Categorical Resource Eligibility

Households in which all members receive AFDC benefits and whose income does not exceed the gross income eligibility standards in Handbook Section 63-1101 shall have satisfied the resource eligibility criteria of Section 63-501.

~~.9~~ Resources of Excluded Household Members

The resources of excluded household members, as defined in Sections 63-402.221, .222, .223, and .224, and as provided in Section 63-503.44 shall be counted as available to the remaining household members ~~handled in accordance with Section 63-503.44.~~ The income and resources of excluded household members, as defined in Sections 63-402.225 and .226, shall be handled in accordance with Section 63-503.45.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10554 and 18901; 7 CFR 273.2(j), 273.8(a), and 273.9(a).

15) Amend Sections 63-502.13 and .14 to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued) 63-502

.1 Income Definition (Continued)

- .13 In accordance with Section 63-503.441, the earned or unearned income of the following individuals shall be counted in its entirety as income to the remaining household members.
 - .131 Individuals ~~disqualified~~ excluded from household participation for committing intentional Program violations as provided in SDSS' Manual of Policies and Procedures, Division 20, Chapter 20-300.
 - .132 Individuals sanctioned by a CWD while a participating member of a household disqualified for failure to comply with the CWD's Workfare Program requirements.
- .14 The earned or unearned income of the following excluded ~~disqualified~~ individuals shall be counted as income to the remaining household members ~~less a pro rata share for each disqualified and/or ineligible individual. Procedures for calculating this pro rata share shall be~~ in accordance with Section 63-503.442.
 - .141 Individuals ~~disqualified~~ excluded from households for failing to comply with the SSN requirements in accordance with Section 63-404.4.
 - .142 Individuals ~~disqualified~~ excluded from households for being an ineligible alien in accordance with Section 63-403.2.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10554 and 18901; 7 CFR 273.1(b)(2) and 273.11(c).

16) Amend Sections 63-503.1, .2, and .3 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT 63-503
LEVELS

.1 Month of Application

- .11 A household's eligibility shall be determined for the month of application by considering the household's circumstances as of the date of interview, except as specified in Sections 63-402.9 (Strikers), 63-408 (Voluntary Quit), 63-501.6 (Resource Transfers), 63-503.212 (Income Determinations), and 63-503.43 (Destitute Households), and 63-301.6 (Categorically Eligible Households). (Continued)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT 63-503
LEVELS (Continued)

.2 Determining Resources, Income and Deductions

- .21 Prospective Budgeting in the Beginning Months for Households Who Shall be Subject to Retrospective Budgeting

.211 Determining Resources

Except for households determined to be categorically eligible per Section 63-301.6, the household's resources at the time of the interview shall be used to determine the household's eligibility, in accordance with Sections 63-501 and 63-409.12.

.212 (Continued)

.22 (Continued)

- .23 Households Subject to Retrospective Budgeting After the Beginning Months

.231 Prospective Eligibility

The CWD shall continue to prospectively determine food stamp eligibility after the beginning months. To make this determination the CWD shall act in accordance with Sections 63-503.231(a), (b), and (c), and for categorically eligible

households, Section 63-301.7. The prospective eligibility determination shall determine whether or not a household continues to be eligible for benefits, it does not determine what benefit level a household is entitled to receive. A household is neither eligible for a restoration of benefits nor shall a claim be established against a household for an inaccurate estimate of a household's prospective eligibility. (Continued)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

.3 Calculating Net Income and Benefit Levels (Continued)

.32 Eligibility and Benefits

.321 Monthly income, as defined in Sections 63-502.11 and 63-503.312 shall be compared to the gross and net monthly income eligibility standard for the appropriate household size to determine eligibility for all households, except as provided in Sections 63-301.6, 63-503.322, and .323. (See Handbook Section 63-1101 for the gross and net monthly income eligibility standards.) (Continued)

.322 To determine the eligibility of a household with at least one member who is elderly or disabled as defined in Section 63-102(f)(e), the household's net income, as determined by Section 63-503.312, shall be compared to the net monthly income eligibility standard for the appropriate household size. (See Handbook Section 63-1101.6 for the net monthly income eligibility standards.)

(a) For households which are subject to monthly reporting, the CWD shall apply the net monthly income eligibility standards each month during the household's certification period, except as specified in Section 63-301.7 The household's continued eligibility for benefits shall be based on the household's size and income information which the household and the CWD anticipate for the next issuance month. This determination shall be based on the

information reported on and submitted with the most recent CA 7. The CWD shall also consider information which the household reports outside of the normal monthly reporting system. (Continued)

.329 When a household with three or more members is eligible for the program but has a net income which would set its benefit level at zero, the CWD shall deny the household's application on the grounds that its net income exceeds the level at which benefits are issued, unless the benefit level of zero is due to proration, the initial month's benefits are less than \$10, or the household is categorically eligible.

(a) For categorically eligible households as specified in Section 63-301.7, the CWD shall notify the household that it is eligible for zero benefits.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; 7 CFR 273.2(j), (j)(2), (j)(2)(v)(F), 273.8(a), 273.9(a), and 273.10(e)(2)(iii).

17) Amend Sections 63-503.44, and .45 to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

.4 Households with Special Circumstances (Continued)

.44 Treatment of Income and Resources of Excluded Members

During the period of time that Excluded household members, as specified in Sections 63-482.221, 222, 223, and 224, are ineligible to participate, the eligibility and benefit of any remaining household members shall be determined handled in accordance with Sections 63-503.441, .442, and .443.

.441 Household Members Excluded for Intentional Program Violation Disqualification or Workfare Sanction

During the period of time that a household member cannot participate the eligibility and allotment of any remaining household members of a household containing individuals excluded because of disqualification for intentional Program violation or imposition of a sanction while they were the member was residing in a Workfare Program project area and participating as a member of a household disqualified for failure to comply with the workfare requirements, the eligibility and benefit level of any remaining household members shall be determined as follows:

(a) Income, Resources, and Deductible Expenses

The income and resources of the excluded household member(s) shall continue to be counted in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions shall continue to apply to the remaining household members.

(b) Eligibility and Benefit Level

The excluded member shall not be included when determining the household's size for the purposes of:

- (1) Assigning a monthly allotment benefit level to the household;
- (2) Comparing the household's monthly income with the income eligibility standards; or
- (3) Comparing the household's resources with the resource eligibility limits. The CWD shall ensure that no household's coupon allotment is increased as a result of the exclusion of one or more household members.

.442 Household Members Excluded for Other Causes SSN Disqualification or Ineligible Alien Status

The eligibility and monthly allotment of any remaining household members of a household containing individuals excluded for being ineligible aliens or because of disqualification for refusal or failure without good cause to obtain or provide an SSN shall be determined as follows:

- (a) Resources (Continued)
- (b) Income (Continued)
- (c) Deductible Expenses (Continued)
- (d) Eligibility and Benefit Level

Such excluded members shall not be included when determining their households' sizes for the purposes of:

- (1) Assigning a benefit level to the household;
- (2) Comparing the household's monthly income with the income eligibility standards; or
- (3) Comparing the household's resources with the resource eligibility limits; or.

(4) Determining the categorical eligibility of the remaining household members in accordance with Section 63-301.7.

.443 Household Members Excluded for SSI Recipient or Ineligible Student Status

The eligibility and monthly allotment of any remaining household members of a household containing individuals excluded for being an SSI recipient or ineligible student shall be determined in accordance with the requirements for nonhousehold members as specified in Section 63-503.45.

.4434 Reduction or Termination of Benefits Within the Certification Period

Whenever an individual is excluded within the household's certification period, the CWD shall determine the eligibility or ineligibility of the remaining household members.

(a) Household Members Excluded for Intentional Program Violation Disqualification (Continued)

(b) Household Members Excluded for Other Causes Workfare Sanction, SSN Disqualification, or Ineligible Alien Status (Continued)

.45 Other Nonhousehold Members

For those nonhousehold members that have not been disqualified, such as, but not limited to SSI recipients, the income and resources of the nonhousehold members as specified in Section 63-402.21 and the excluded household members specified in Sections 63-402.225 and .226 shall not be considered available to the household with whom the individual resides. Cash payments from the nonhousehold member to the household shall be considered income under the normal income standards set in Section 63-502.1. Vendor payments, as defined in Section 63-502.2, shall be excluded as income.

.451 (Continued)

.452 (Continued)

.453 Eligibility and Benefit Level

Nonhousehold members, excluded SSI recipients and ineligible students shall not be included when determining the household's size for the purposes of:

- (a) Assigning a benefit level to the household;
- (b) Comparing the household's monthly income with the income eligibility standards;
- (c) Comparing the household's resources with the resource eligibility limits; or
- (d) Determining the categorical eligibility of the remaining household members in accordance with Section 63-301.7.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10554 and 18901; 7 CFR 273.1(b)(2); 273.11(c), (c)(1), and (c)(2); 273.11(d)(1) and (d)(3); and 273.2(j)(2)(iii).

18) Amend Sections 63-504.12, .23, .61, and .62 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.1 Certification Periods (Continued)

.12 Additional Requirements for Establishing Certification
Periods for Monthly Reporting Households

.121 Public Assistance and Categorically Eligible
Households (Continued)

- (a) If a household initially applies jointly for food stamps and PA benefits, a nonassistance classification shall be assigned if the food stamp application is approved prior to the PA determination being made and the certification period shall be assigned in accordance with Section 63-504.122. When the PA application is approved, the household shall be reclassified as public assistance, but the certification period shall remain as originally assigned. (See Section 63-301.7 for additional procedures for categorically eligible households.)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.2 Notices of Action (Continued)

.23 Notice of Denial (DFA 377.1)

- .231 When an application is denied, the CWD shall provide the household with a written denial notice (DFA 377.1) explaining the basis for the denial. The denial notice shall be provided to the household as soon as the determination is made, but no later than 30 days from the date the application was filed, unless the application was previously pended, as provided in Section 63-301.4.

- (a) If a household which is potentially categorically eligible is denied NA food stamps, the Notice of Denial shall inform the household to notify the CWD if its PA benefits are approved. (See Section 63-301.631(b).)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING
ELIGIBILITY (Continued)

63-504

.6 Recertification of All Households

.61 General Requirements

- .611 The CWD shall complete the application process and approve or deny a timely application for recertification prior to the end of household's current certification period and shall provide an eligible household with an opportunity to participate by the household's normal issuance cycle in the month following the expiration of the household's certification period.

- (a) The joint processing requirements in Section 63-301.6 for PA and categorically eligible households shall also apply to applications for recertification.

- (b) If the PA redetermination is not timely completed for categorically eligible households, the food stamp recertification shall not be delayed and must be completed in accordance with Section 63-504.6. Categorical eligibility shall be assumed.

- (1) The provisions of Section 63-301.7, for certain eligibility factors, verification provisions, and the benefit determination continue to apply to categorically eligible households at recertification.

- (2) If the recertified household is subsequently terminated from PA benefits, the CWD shall follow the procedures specified in Sections 63-503 and 504.123(b).

.6 Recertification of All Households (Continued)

.62 Process for Recertifying and Action on Timely
Reapplications for Monthly Reporting Households
(Continued)

.624 PA and categorically eligible households that are jointly processed in accordance with Section 63-301.6 shall, to the extent possible, be recertified for food stamps at the same time that their PA eligibility is redetermined. (See Section 63-504.611 for categorically eligible households.) They may be recertified in the month prior to the last month of the certification period in conjunction with the PA redetermination, except that, if the recertification is not completed in that month, it shall be pended and the household shall be provided a notice of expiration in accordance with Section 63-504.251. The recertification shall be completed during the last month of the certification period, as specified in Sections 63-504.621, .622, and .623. When the recertification is completed in the month prior to the last month of the certification period, the new certification period shall begin with the last month of the old certification period.

.625 Households that receive a notice of expiration shall be subject to the verification requirements specified in Section 63-504.3 for information provided on the CA 7, but shall not be subject to the other CA 7 processing provisions contained in Section 63-504.3 in the last month of the certification period since recertification provisions in Section 63-504.6 are in effect in this month. PA households whose recertifications are completed in the month prior to the last month of the certification period shall be subject to all provisions of Section 63-504.3 in that month, except that they shall be provided a DFA 377.1, instead of a DFA 377.4. In addition, all changes reported on the application shall be subject to

the same verification procedures as apply at initial certification, including categorically eligible households, as specified in Sections 63-301.71 and .72.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Sections 10554 and 18901; and 7 CFR 273.2(j), (j)(1)(iv), (j)(2), and (j)(2)(i).

19) Amend Section 63-505.4 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

•4 Verification Responsibilities for Monthly Reporting Households

Monthly reporting households shall provide verification of the following information reported on the CA 7:

- (a) Gross nonexcluded earned income each month; nonexcluded unearned income and the source of excluded income when first reported and when there is a change, except as specified in Sections 63-505.311 and 63-504.325(a).
- (b) Dependent care costs with each CA 7.
- (c) Medical expenses with each CA 7.
- (d) Utility costs which entitle the household to the standard utility allowance (SUA), when first allowed and when the household moves.
- (e) Actual utility costs with each CA 7 when the household is claiming actual utility costs.
- (f) Shelter costs when the household moves or when there is a change.
- (g) Residency as defined in Section 63-401 when there is a change, except for categorically eligible households.
- (h) Social Security Number, except for categorically eligible households; and citizenship/alien status of household members when there is a change. (See Section 63-403 and 404.)
- (i) Actual cost of doing business expenses, if self-employed, with each CA 7.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 18901; and 7 CFR 273.2(j)(2).

FACE SHEET

86-1209-6
(See Instructions on Reverse)

RDB# 0286-14

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED
In the office of the Secretary of State
of the State of California

JAN 08 1987
At 4:37 o'clock P.M.
MARCH FONG EU, Secretary of State
By *Shirley A. Dean*
Deputy Secretary of State

Department of Social Services

(AGENCY)

John S. McKeown
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 11/19/86

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions) TITLE TELEPHONE
Rosalie P. Clark, Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
(Complete Part 4 below)
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED: 80071, 87509
SECTIONS AMENDED: 87522
SECTIONS REPEALED: APPROVED
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 80071 (a) (1), 87509 (a) (1)
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER May 2, 1986
b. DATE OF FINAL AGENCY ACTION November 19, 1986
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) October 6--October 24, 1986
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
- b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikethrough to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

CHAPTER 1, GENERAL LICENSING REQUIREMENTS

(1) Adopt new Section 80071 to read:

80071 REGISTER OF CLIENTS

80071

(a) In all licensed facilities, the following shall apply:

(1) A current register of all clients in the facility shall be maintained; shall be updated as needed; shall be immediately available to licensing staff upon request; and shall contain the following information:

(A) Client's name and ambulatory status as specified in Section 80070(b)(1) and (8).

(B) Name, address and telephone number of client's attending physician.

(C) Authorized representative information as specified in Section 80070(b)(5).

(2) The register shall be kept in a central location at the facility.

(A) The register shall be treated as confidential information pursuant to Section 80070(c).

Authority cited: Health and Safety Code Section 1530.

Reference: Health and Safety Code Section 1557.5.

CHAPTER 8. RESIDENTIAL FACILITIES FOR THE ELDERLY

(2) Adopt new Section 87509 to read:

87509 REGISTER OF RESIDENTS

87509

(a) In all licensed facilities, the following shall apply:

(1) A current register of all residents in the facility shall be maintained; shall be updated as needed; shall be immediately available to licensing staff upon request; and shall contain the following information:

(A) Resident's name and ambulatory status as specified in Section 87522(b)(1) and (9).

(B) Information on resident's attending physician, as specified in Section 87522(b)(7).

(C) Information on the resident's responsible person, as specified in Section 87522(b)(6).

(2) The register shall be kept in a central location at the facility.

(A) The register shall be treated as confidential information pursuant to Section 87522(c).

Authority cited: Health and Safety Code Section 1569.30.

Reference: Health and Safety Code Section 1569.315.

CHAPTER 8, RESIDENTIAL FACILITIES FOR THE
ELDERLY

(3) Amend Section 87522(b)(6) to read:

87522 RESIDENT RECORDS (Continued)

87522

(a) (Continued)

(b) (Continued)

- (6) Names, addresses, and telephone numbers of responsible relatives, friends, guardian, conservator, agency, or other individuals persons, defined by Section 87100, to be notified in case of accident, or death, or other emergency.

Authority cited: Section ~~1530~~ 1569.30, Health and Safety Code.

Reference: Sections ~~1501, 1507, 1521, 1530, 1531, 1533, 1534, 1538, and 1560~~ 1569.1, 1569.315, 1569.32, and 1569.54, Health and Safety Code; and Section 11006.9, Welfare and Institutions Code.

FACE SHEET

(See Instructions on Reverse)

SUBMITTED FOR REVIEW

DEC 05 1986

OFFICE OF ADMINISTRATIVE LAW

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: NOVEMBER 20, 1986

FILED

In the office of the Secretary of State
of the State of California

4 JAN 08 1987
At 4:37 o'clock P.M.

MARSH FONG EU, Secretary of State

By *John R. Moss*
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING
JAN 8 1986
OFFICE OF ADMINISTRATIVE LAW

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING
(See instructions)

TITLE

TELEPHONE

CHRISTINE DEMAS, ASSOCIATE GOVERNMENTAL PROGRAM ANALYST

445-6144

2. Type of filing, (check one) ☒ 30-day Review

☐ Emergency

☐ Certificate of Compliance
(Complete Part 4 below)

☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)

☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. -a. Specify California Administrative Code-title and sections as follows:

Title 8

SECTIONS ADOPTED:

5142

SECTIONS AMENDED:

SECTIONS REPEALED:

b. The following sections listed in 3a contain modifications to the text originally made available to the public:
5142

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

☐ prior to the emergency adoption N/A

☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: July 21, 1986

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

☐ Fair Political Practices Commission
(Include FPPC approval stamp)

☐ Building Standards Commission
(Attach approval)

☐ State Fire Marshall (Attach approval)

☐ Department of Finance (Attach properly signed Std. 399)

☐ Other

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA
ADMINISTRATIVE NOTICE REGISTER

September 6, 1985

b. DATE OF FINAL AGENCY ACTION

November 20, 1986

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT.
CODE SEC. 11346.8(c))

11/5/86 - 11/19/86

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

a. ☒ Effective 30th day after filing with the Secretary of State.

b. ☐ Effective upon filing with the Secretary of State.

c. ☐ Effective on _____ as required or allowed by the following statute(s):

d. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)

Attach request demonstrating good cause for early effective date. Request subject to OAL approval.

e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

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- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
- b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
- c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
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- c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
- d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
- e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

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- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

STANDARDS PRESENTATION
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pg 1 of 2

Adopt new Section 5142 as follows:

5142. ~~Control by Ventilation.~~ Mechanically Driven Heating, Ventilating and Air Conditioning (HVAC) Systems to Provide Minimum Building Ventilation.

(a) Operation:

(1) The HVAC system shall be maintained and operated to provide at least the quantity of outdoor air required by the State Building Standards Code, Title 24, Part 2, California Administrative Code, in effect at the time the building permit was issued.

(2) The HVAC system shall be operated continuously during working hours except:

(A) during scheduled maintenance and emergency repairs;

(B) during periods not exceeding a total of 90 hours per calendar year when a serving electric utility by contractual arrangement requests its customers to decrease electrical power demand; or

(C) during periods for which the employer can demonstrate that the quantity of outdoor air supplied by nonmechanical means meets the outdoor air supply rate required by (a)(1) of this Section. The employer must have available a record of calculations and/or measurements substantiating that the required outdoor air supply rate is satisfied by infiltration and/or by a nonmechanically driven outdoor air supply system.

(b) Inspection and Maintenance:

(1) The HVAC system shall be inspected at least annually, and problems found during these inspections shall be corrected within a reasonable time.

(2) Inspections and maintenance of the HVAC system shall be documented in writing. The employer shall record the name of the individual(s) inspecting and/or maintaining the system, the date of the inspection and/or maintenance, and the specific findings and actions taken. The employer shall ensure that such records are retained for at least five years.

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

(3) The employer shall make all records required by this Section available for examination and copying, within 48 hours of a request, to any authorized representative of the Division (as defined in Section 3207), to any employee of the employer affected by this Section, and to any designated representative of said employee of the employer affected by this Section.

Note: Authority cited: Section 142.3, Labor Code.
Reference cited: Section 142.3, Labor Code.

FACE SHEET

86-1223-2
(See Instructions on Reverse)

SUBMITTED FOR REVIEW

DEC 20 1986

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR

JAN 21 1987

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 12-9-86

ORD # 0186-04

FILED

In the office of the Secretary of State
of the State of California

JAN 22 1987

At 4:28 o'clock P.M.

MARCH FONG EU, Secretary of State

By: John Bates
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie Clark, Chief, Regulations Development Bureau 445-0313
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22 SECTIONS ADOPTED: 63-046
SECTIONS AMENDED: 20-300, 22-201, 22-202, 22-210, 63-102, 63-801
SECTIONS REPEALED:
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 22-202, 22-210
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER May 30, 1986
b. DATE OF FINAL AGENCY ACTION December 9, 1986
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) October 24-November 10, 1986
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s):
d. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☒ Effective on 03/01/87 (Designate effective date later than the normal effective date for the type of order filed.)

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DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

(1) Amend Section 20-300.5 to read:

20-300 INTENTIONAL PROGRAM VIOLATIONS IN THE FOOD STAMP 20-300
PROGRAM (Continued)

.5 Reporting Requirements

- .51 The CWD shall report to FNS information concerning individuals disqualified for intentional Program violation, within 30 days of the date the disqualification took effect, or would have taken effect, for a currently ineligible individual whose disqualification is pending future eligibility. This information shall be reported on the Disqualified Recipient Report (FNS 524).
- .52 The CWD shall establish and maintain a food stamp disqualification file containing all information received from SDSS concerning individuals who have been disqualified in that county or in another political jurisdiction. Such information shall be made immediately available to food stamp eligibility staff. The CWD shall use this information for the following purposes:
 - .521 To determine eligibility of individual Food Stamp Program applicants prior to food stamp certification in cases where a welfare agency has reason to believe a household member is subject to disqualification in another jurisdiction.
 - .522 To ascertain the appropriate penalty to impose based on past disqualification in a case under consideration.
- .5453 CWDs shall submit revisions to original disqualification reports in the following situations:
 - a. .541 On those cases where the disqualification was pending future eligibility, and the individual once again becomes eligible and the disqualification penalty is imposed.
 - b. .542 In cases where the disqualification is reversed by a court of appropriate jurisdiction.
- .53 The CWD shall be permitted to use information contained in the food stamp disqualification file for the following purposes:

.531 To screen all program applicants prior to certification; and.

.532 To match the entire disqualification file against the current caseload.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: 7 CFR 273.16(i) and Welfare and Institutions Code Sections 18901 and 18902.

(2) Amend Section 22-201.3 to read:

22-201 GENERAL PROVISIONS (Continued)

22-201

.3 Procedures Governing State Hearings Also Applicable to Administrative Disqualification Hearings

(a) The following provisions of Chapter 22-000 shall be applicable to administrative disqualification hearings:

- (1) Section 22-002 relating to determination of time limit;
- (2) Section 22-010 relating to authorized representatives;
- (3) Section 22-023.12 relating to assignment of county representatives;
- (4) Section Section 22-023.2 relating to duties of county representatives prior to and at the hearing;
- (5) Section 22-025 relating to situations where the hearing is held in a county other than the responsible county;
- (6) Section 22-045.1 and .2 relating to the time and place of the hearing;
- (7) Section 22-049 relating to general rules and procedures at the hearing;
- (8) Section 22-050 relating to evidence;
- (9) Section 22-051 relating to the examination of records and issuance of subpoenas;
- (10) Section 22-052 relating to witness fees and mileage;
- ~~(11) Section 22-053.13 and .14 relating to postponements;~~
- (11~~2~~) Section 22-053.2 relating to continuances for additional evidence;
- (12~~3~~) Section 22-055 relating to disqualification of hearing officers;

(134) Section 22-059 relating to communications after the hearing.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: 7 CFR 273.15(c)(4) and Welfare and Institutions Code Section 18901.

(3) Amend Section 22-202.31 to read:

22-202 NOTICE OF ADMINISTRATIVE DISQUALIFICATION HEARING 22-202

.1 (Continued)

.2 (Continued)

.3 Notice of Hearing

.31 The Chief Referee Office of the Chief Administrative Law Judge shall provide written notice to the respondent, with a copy to the CWD, at least 30 days in advance of the date of the hearing or of a consolidated hearing.

.311 The notice shall be mailed "Certified Mail - Return Receipt Requested" and shall contain, at a minimum:

(a) The date, time, and place of the hearing and

(b) a A notice statement that the respondent is entitled to a one postponements of the scheduled hearing for up to 30 days provided that and may receive additional postponements for good cause. The total period for all postponements shall not exceed 30 days, and the request for postponement is must be made at least 10 days in advance of the date of the scheduled hearing.

(bc) The charges against the respondent.

(ed) A summary of the evidence, and how and where the evidence can be examined.

(de) A warning that the decision will be based solely on information provided by the CWD if the respondent fails to appear at the hearing.

(ef) A warning that an individual found to have committed an intentional Program violation shall be ineligible to participate in the Food Stamp Program for six months for the first violation, 12 months for the second violation, and permanently for the third

violation, and a statement of which penalty the CWD believes is applicable to the respondent's case.

- (fg) A listing of the respondent's rights as contained in Section 22-049.7.
- (gh) A statement that the hearing does not preclude the County, State or Federal government from prosecuting the respondent for the intentional Program violation in a civil or criminal court action, or from collecting an overissuance related to the alleged intentional Program violation.
- (hi) A statement that the respondent can call the CWD to get the name and phone number (if available) of someone who can give free legal advice. If free legal advice is not available, the CWD shall provide, when called, the phone number of a lawyer referral service or the local bar association.
- (ij) A copy of this chapter and the applicable provisions of Chapter 22-000.
- (jk) A statement that in order to reschedule the hearing, the respondent shall have 10 days from the date of the scheduled hearing to present good cause for failure to appear, as set forth in Section 22-053.14.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: 7 CFR 273.16(e)(2)(IV), 273.16(3)(E) and Welfare and Institutions Code Sections 10556 and 18901.

(4) Amend Section 22-210.2 to read:

22-210 HEARING PROCEDURE

22-210

- 1 (Continued)
- 2 Postponements

At the request of the respondent, the hearing may be postponed the Office of the Chief Administrative Law Judge shall be permitted to postpone the hearing for a total period of up to 30 days provided that the request for postponement is made at least 10 days in advance of the date of the scheduled hearing.

- 21 The Office of the Chief Administrative Law Judge shall be permitted to limit the number of the postponements to one unless there is good cause established in accordance with Section 22-053.14.
- 22 The total period for one or more postponements shall not exceed 30 days.
- 213 The time limit for rendering a decision on the hearing may be extended for the length of time the hearing is postponed.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: 7 CFR 273.16(e)(2)(IV) Welfare and Institutions Code Sections 10556 and 18901.

(5) Adopt new Section 63-046 to read:

63-046 IMPLEMENTATION OF OVERISSUANCE CORRECTIVE ACTION 63-046

CWDs shall implement the Overissuance Corrective Action provisions, Manual Sections 63-102 and 63-801, as amended and adopted herein on March 1, 1987.

- .1 The CWD shall not reinstate any claims suspended prior to April 1, 1984, and such claims shall not be subject to the recovery provisions contained in Section 63-801.111 and .311.
- .2 The CWD shall not recalculate any claims established and in the collection process prior to the effective date of these revised and newly adopted provisions. Such claims shall not be subject to the revised and newly adopted recovery provisions contained in Section 63-801.111 and .311 of these regulations.

Authority: Welfare and Institutions Code Section 10553 and 18904.

Reference: 7 CFR 272.1(g)(58)(ii) and Welfare and Institutions Code Sections 18902 and 18904.

(6) Amend Section 63-102 to read:

63-102 DEFINITIONS

63-102

s.(9) "Suspended Claim" means a food stamp overissuance claim on which no collection action has been initiated or collection action has ceased in accordance with Section 63-801.5.

t.(1) "Terminated Claim" means that the CWD has determined the claim to be uncollectible because the three-year suspension period for the food stamp overissuance claim has expired.

(12) "Thrifty food plan" means the diet required to feed a family of four persons consisting of a man and a woman 20 through 54, a child six through eight, and a child nine through 11 years of age, determined in accordance with the Secretary's calculations. The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary shall make household-size adjustments in the thrifty food plan, taking into account economies of scale.

(23) "Trafficking" means the buying or selling of coupons or ATP cards for cash.

Authority: Welfare and Institutions Code Section 10553 and 18904.

Reference: Welfare and Institutions Code Sections 18901 and 18904

(7) Amend Section 63-801.11 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS

63-801

•1 Establishing Claims Against Households and/or Against Sponsors of Alien Households

The CWD shall establish a claim, in accordance with Section 63-801.2, against any household that has received more Food Stamp benefits than it is entitled to receive except as specified in Section 63-801.12. Any sponsor of an alien and the sponsored alien shall be held jointly and individually liable for repayment of any overissuance of Food Stamp benefits that results from incorrect information provided by the sponsor. In such cases, the CWD shall establish a claim against the sponsor or the alien household as provided in Section 63-801.13.

•11 Time Frame for Establishing Inadvertent Household Error, Administrative Error, and Intentional Program Violation Claims

The CWD shall take action, within the time frames of this section, to establish a claim against any household that received an overissuance due to an inadvertent household or administrative error. Intentional Program violation claims shall be established and handled in accordance with Section 63-801.23.

•111 When the criteria in Section 63-801.11 have been met:

(a) The CWD shall take action on inadvertent household and administrative error claims for which up to ~~12 months~~ three years have elapsed between the month the overissuance occurred and the month the CWD ~~correctly~~ determined by computation that an overissuance occurred irrespective of the date the ~~e~~Claim ~~d~~Determination Worksheet, ~~(Form DFA 842)~~, was completed.

(b) The CWD shall not take action on inadvertent household and administrative error claims for which more than three years have elapsed between the month the overissuance occurred and the month the CWD determined by computation that the overissuance occurred irrespective of the

date the Claim Determination Worksheet,
Form DFA 842, was completed.

Authority: Welfare and Institutions Code Sections 10553 and
18904.

Reference: 7 CFR 273.18(b) and Welfare and Institutions Code
Sections 18901, 18902 and 18904.

(8) Amend Section 63-801.311 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS

63-801

•3 Calculating the Amount of Claims

•31 Inadvertent Household and Administrative Error Claims

•311 For each month that a household received an overissuance due to an inadvertent household or administrative error, the CWD shall determine the correct amount of Food Stamp benefits the household was entitled to receive.

(a) The CWD shall not allow claims established prior to April 1, 1984 to be recalculated for non-IPV-caused overissuances which occurred more than 12 months prior to the month of discovery.

(b) The CWD shall calculate the amount of the overissuance which occurred during the 12 months three years preceding the date the overissuance was discovered. The CWD shall not include in its calculation any amount of the overissuance which occurred in a month more than three years prior to the date the overissuance was discovered.

(c) In cases involving reported changes, the CWD shall determine the month the overissuance initially occurred as follows:

(a) If, due to an inadvertent error on the part of the household, the household failed to report a change in its circumstances within the time frames required in Section 63-505, the first month affected by the household's failure to report shall be the first month in which the change would have been effective had it been timely reported. However, in no event shall the CWD determine as the first month in which the change would have been effective any month later than two months from the month in which the change in household circumstances occurred.

(b2) For monthly reporting households, a claim shall be established when the household fails to report a change on the CA 7 by the extended filing date for the appropriate report month. For nonmonthly reporting households, a claim shall be established if the household fails to report a change within 10 days of the date the change became known.

(e3) If the household timely reported a change, but the CWD did not act on the change within the required time frames, the first month affected by the CWD's failure to act shall be the first month the CWD would have made the change effective had it timely acted. However, in no event shall the CWD determine as the first month in which the change would have been effective any month later than two months from the month in which the change in household circumstances occurred.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: 7 CFR 272.1(f), 7 CFR 273.18(b) and (c); and Welfare and Institutions Code Sections 10851, 18901, 18902 and 18904.

(9) Amend Sections 63-801.5 and .7 to read:

63-801 CLAIMS AGAINST HOUSEHOLDS

63-801

.5 Suspending and Terminating Collection of Claims

.51 Suspending Collection of Inadvertent Household and Administrative Error Claims

.511 If no collection action was initiated because of conditions specified in Section 63-801.411, the CWD shall be permitted to suspend an inadvertent household or administrative error claim. ~~shall be suspended.~~

.512 If collection action was initiated, and at least one demand letter has been sent, further collection action on any administrative error claim or on the CWD shall suspend an inadvertent household or administrative error claim against a nonparticipating household or its sponsor ~~shall be suspended when:~~

(a) ~~The household cannot be located or~~

(b) ~~If the cost of further collection action is likely to exceed the amount that can be recovered.~~

.52 Suspending Collection of Intentional Program Violation Claims

.521 The CWD shall be permitted to suspend collection action on intentional Program violation claims at any time if it has documentation that the household and/or the sponsor cannot be located.

.522 If collection action was initiated, and demand letters as specified below sent, the CWD shall suspend further collection action on any intentional Program violation claim against a nonparticipating household or its sponsor when the cost of further collection action is likely to exceed the amount that can be recovered.

(a) At least one demand letter for claims of less than \$100.

(b) At least two demand letters for claims between \$100 and \$400.

(c) At least three demand letters for claims of more than \$400.

.53 Terminating Collection of Claims

A claim shall be determined The CWD shall be permitted to determine that a claim is uncollectible after it has been held in suspense for three years. The CWD shall use a suspended or terminated claim to offset a restoration of lost benefits in accordance with Section 63-802.54.

.6 (Continued)

.7 Method of Collecting Payments

.71 Lump Sum

.72 Installments

.721 The CWD shall negotiate a payment schedule with the household or the sponsor if the household or sponsor chooses this method for a full or partial repayment of the claim. Payments shall be accepted by the CWD in regular installments. The household may use food stamp coupons as full or partial payment of any installment. If the full amount of the claim cannot be liquidated in three years, the CWD shall compromise the claim by reducing it to an amount that will allow the household to pay the claim in three years. A CWD shall use the full amount of the claim to offset any restoration of lost benefits due the household.

.73 Reduction in Food Stamp Allotments

.731 (Continued)

.732 (Continued)

.733 (Continued)

.734 (Continued)

.735 (Continued)

.736 (Continued)

*737 For intentional Program violation claims, if the full amount of the claim cannot be liquidated in three years the EWB shall compromise the claim by reducing it to an amount that will allow the household to make restitution within three years.

*738 The amount of food stamps to be recovered each month through allotment reduction shall be determined in accordance with the following procedures and the calculated figure rounded as specified in Section 63-503.31.

Authority: Welfare and Institutions Code Sections 10553 and 18904.

Reference: 7 CFR Sections 273.18(e)(1), (2), (3); 273.18(g)(2) and Welfare and Institutions Code Sections 18901 and 18902.

FACE SHEET

ORD #0686-28
86-1230-3C
(See Instructions on Reverse)

SUBMITTED FOR REVIEW

DEC 30 1986

OFFICE OF ADMINISTRATIVE LAW

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED

In the office of the Secretary of State
of the State of California

JAN 29 1987

At 4:50 o'clock P.M.

MARCH FONG EU, Secretary of State

By *[Signature]*
Deputy Secretary of State

ENDORSED
APPROVED FOR FILING
JAN 28 1987

State Department of Social Services

(AGENCY)

[Signature]

AGENCY OFFICER WITH RULEMAKING AUTHORITY

For use of Office of Administrative Law

Date: December 29, 1986

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark Chief of the Regulations Development Bureau 445-0313
TITLE TELEPHONE
2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☒ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title MPP
SECTIONS ADOPTED: 42-645.111, .112
SECTIONS AMENDED: 40-195.215; 41-440.15(d), (e), (g), (i); 42-600.3(j), (o), (v); 42-625; (con'd)
SECTIONS REPEALED: 42-655; 44-206.1(g)
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 42-600.3(o); 42-625; 42-639.2; 42-645.11; 42-650; 42-660.521; 42-710.3(p); 42-760; 42-761
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☒ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
August 29, 1986
b. DATE OF FINAL AGENCY ACTION
December 29, 1986
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
December 8 thru December 22, 1986
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section number* of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)


Face Sheet, Part 3a. continued:

Sections Amended:

42-633.32; 42-639.2; 42-640.23; 42-641.2; 42-645.11; 42-650; 42-660.521; 42-710.3(e),
(p), (v); 42-760; 42-761; 44-103.116, .117; 44-103.242; 44-206.1

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

CERTIFICATE OF COMPLIANCE - Section 11346.1(e), Government Code

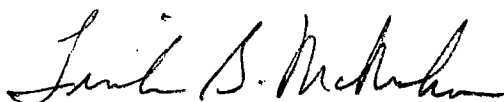
The Department of Social Services hereby certifies that it has complied with the provisions of Sections 11346.4 through 11346.8 inclusive of the Government Code, within 120 days of the effective date of the following emergency regulations which were filed with the Secretary of State on September 5, 1986, and which became effective on September 5, 1986.

Manual of Policy and Procedures, Divisions 40, 41, 42, and 44, Chapters 40-100, 41-400, 42-600, 42-700, 44-100, and 44-200. Sections:

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
40-195.215	42-645.111	42-655
41-440.15(d), (e), (g), (i)	42-645.112	44-206.1(g)
42-600.3(j), (o), (v)		
42-625		
42-633.32		
42-639.2		
42-640.23		
42-641.2		
42-645.11		
42-650		
42-660.521		
42-710.3(e), (p), (v)		
42-761		
44-103.116		
44-103.117		
44-103.242		
44-206.1		

These regulations were presented at public hearing on October 15, 1986. As a result of the public hearing the following sections have been changed.

<u>Amended</u>	<u>Adopted</u>	<u>Repealed</u>
42-600.3(o)		
42-625		
42-639.2		
42-645.11		
42-650		
42-660.521		
42-710.3(p)		
42-760		
42-761		



LINDA S. McMAHON
Director

Deceber 29, 1986

Date

Amend MPP Section 40-195.215 to read:

40-195 TRANSFER PROCEDURE (Continued)

40-195

•2 Steps Required to Accomplish Transfer

•21 The First County Shall: (Continued)

- 215 If the recipient is registered in accordance with Section 42-625, the CWD shall send, when appropriate, copies of relevant documents from the WIN Demo or GAIN case folder to the second county.

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| (a) | For WIN Demo, a relevant document is the CWD's form which documents registration (refer to MPP 42-625.6). |
| (b) | For GAIN, documents should include: copy of the notification of registration form (refer to MPP 42-760.3), copies of the GAIN contract(s), test results, assessment, employment plans, and any other documents which will assist the second CWD's completion of a new contract with the GAIN recipient. |

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347.

Amend MPP Sections 41-440.15(d), (e), (g), and (i) to read:

41-440 UNEMPLOYMENT OF A PARENT OR PARENTS

41-440

.1 Definition (Continued)

.15 The following are definitions of words as used in this section (in alphabetical order). (Continued)

(d) Exempt AFDC-U Parent -- The AFDC-U parent who is not required to be registered in accordance with Section 42-625 or with EDC-JS for employment services pursuant to Section 41-440.24.

(e) GAIN AFDC-U Principal Earner -- The principal earner residing in a GAIN county who is automatically registered for GAIN as a condition of eligibility.

(f) (Continued)

(g) Nonexempt AFDC-U Parent -- The AFDC-U parent who is automatically registered in accordance with Section 42-625 or is required to register with EDD-JS pursuant to Section 41-440.24.

(h) (Continued)

(i) WIN AFDC-U Parent -- The AFDC-U parent residing in a WIN county who is automatically registered for WIN Demo as a condition of eligibility.

See Sections 42-600.3 and 42-710.3 for additional definitions applicable to the employment programs.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347.

Amend MPP Sections 42-600.3(j), (o), and (v) to read:

42-600 INTRODUCTION TO THE WORK INCENTIVE DEMONSTRATION 42-600
PROGRAM (WIN DEMO) (Continued)

•3 Definitions Used in This Chapter (Continued)

- (j) "Exempt" means that an AFDC applicant or recipient is not required to be registered for the WIN Demo program as a condition of eligibility.
- (k) (Continued)
- (l) (Continued)
- (m) (Continued)
- (n) (Continued)
- (o) "Registration" means that a nonexempt or volunteer AFDC applicant or recipient who is included on an AFDC Statement of Facts is automatically that individuals who are nonexempt or who volunteer are registered by the EWB for WIN Demo.
- (p) (Continued)
- (q) (Continued)
- (r) (Continued)
- (s) (Continued)
- (t) (Continued)
- (u) (Continued)
- (v) "Volunteer" means an AFDC applicant or recipient who, though exempt from registration, voluntarily participates in WIN Demo.
- (w) (Continued)

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and
11347.

Amend MPP Section 42-625 to read:

42-625 WIN DEMO REGISTRATION AS A CONDITION OF AFDC ELIGIBILITY 42-625

- 1 The following individuals who are included on an AFDC Statement of Facts in accordance with Section 40-118 shall be are automatically registered for WIN Demo:
 - 11 Nonexempt and volunteer applicants and recipients.
 - 12 Nonexempt Essential persons. [New Handbook: See MPP 44-209.3.]
 - 13 Principal earners who are excluded from the assistance unit.
 - 14 Principal earners, when the assistance unit will not be federally eligible on the beginning date of aid solely because the principal earner has not been unemployed for 30 days.
 - 15 Exempt individuals who volunteer to participate.
- 2 An individual in the AFDC assistance unit shall be exempt from WIN Demo when he/she meets any of the criteria specified in 42-631 through 42-641.
 - 21 The principal earner who is exempt from WIN Demo registration due to remoteness shall register with EDD-JS. If the principal earner is exempt from WIN Demo registration due to reasons other than remoteness, he/she is not required to be registered with WIN Demo or EDD-JS.
 - 22 The principal earner who is under 16 or is a 16- through 18-year-old full-time student is not exempt under Section 42-631 or 42-632.
- 3 Exempt individuals shall have the option to participate in WIN Demo on a voluntary basis.
 - 31 A previously exempt recipient who changes to nonexempt status shall be is automatically registered.
- 4 Applicants for AFDC who are granted aid under the Refugee Demonstration Project in lieu of AFDC, pursuant to MPP Section 40-125.6, shall have the same registration requirements as other applicants for AFDC. Such individuals shall remain registered upon transfer to the AFDC program.

- 5 Registered AFDC recipients who are transferred to the Refugee Demonstration Project pursuant to MPP Section 40-185.3 shall remain registered while receiving aid under the Refugee Demonstration Project and shall remain registered upon transfer to the AFDC program.
- 6 Individuals automatically registered for the Greater Avenues for Independence (GAIN) program are the same designated individuals who are automatically registered for WIN Bemo (Refer to Section 42-760 for GAIN registration.)
- 76 The CWD shall maintain records designating those individuals who are registered.

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•761 The records may include miscellaneous documents such as progress notes, a listing of registrant(s), a copy of the rights and responsibilities form, or other tracking methods such as computer files.

•762 The CWD shall report data collected in accordance with SDSS reporting requirements.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11310, and 11347; and 45 CFR 224.20(a), (b), and (c)(4); and 45 CFR 233.10(a)(1).

Amend MPP Section 42-633.32 to read:

42-633 EXEMPTION BASED ON ILLNESS OR INJURY (CODE 03) (Continued) 42-633

.3 Review (Continued)

- .32 If the exemption is based on .24 above, the exemption must be reviewed at the end of 30 days and, if extended, at the end of the additional 15 days. At this time, if the exemption based on illness or incapacity cannot be established, the individual automatically becomes registered (unless exempted on a different basis).

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347.

Amend MPP Section 42-639.2 to read:

42-639 EXEMPTION BASED ON THE WIN DEMO REGISTRATION OF ANOTHER 42-639
INDIVIDUAL IN HOUSEHOLD (CODE 09) (Continued)

•2 Documentation

This exemption is documented by any record which substantiates the registration of another adult relative as required by Section 42-625.76.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347.

Amend MPP Section 42-640.23 to read:

42-640 EXEMPTION BASED ON WORKING 30 HOURS PER WEEK (CODE 10) 42-640
(Continued)

.2 Documentation (Continued)

- .23 If the exemption is based on .22 above, the exemption shall be reviewed at the end of 30 days and, if extended, at the end of the additional 15 days. At this time, if the exemption based on Code 10 cannot be established, the individual automatically becomes registered unless exempt on a different basis.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347.

Amend MPP Section 42-641.2 to read:

42-641 EXEMPTION BASED ON WIN DEMO REGISTRATION OF THE 42-641
 PRINCIPAL EARNER (CODE 11) (Continued)

•2 Documentation

This exemption is documented by any record which substantiates the registration of the principal earner as required by Section 42-625.76.

Authority: Welfare and Institutions Code Sections 10553,
 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and
 11347.

Amend MPP Section 42-645.11 and adopt .111 and .112 to read:

42-645 RECONSIDERATION OF EXEMPTION OR NONEXEMPTION 42-645

.1 In reconsidering exempt or nonexempt status, the CWD shall:

.11 Notify an individual who changes from exempt to nonexempt that he/she is registered for WIN Demo. The CWD shall use the following methods to notify the individual:

.111 Send a rights and responsibilities form as specified in Section 42-650.

.112 Schedule an appointment for a selection interview Determine if the individual should be deferred from or selected for WIN Demo employment activities. Refer to Section 42-660.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 45 CFR 233.10(a)(1).

Amend MPP Section 42-650 to read:

42-650 WIN DEMO RIGHTS AND RESPONSIBILITIES

42-650

- 1 The CWD shall advise nonexempt individuals and volunteers applicants and recipients that they are registered for WIN Demo.
- 2 The CWD shall verbally and in writing:
 - 21 Describe the WIN Demo program including the role of the Employment Development Department for job search activities and placement.
 - 22 Inform nonexempt registrants of the following rights and responsibilities:
 - 221 The sanctions for failure or refusal to participate in the program (refer to 42-691).
 - 222 Their right to the good cause/conciliation process.
 - 223 The right to a state hearing to contest the reduction or discontinuance of AFDC benefits due to the failure or refusal to participate in WIN Demo.
 - 23 Inform volunteer registrants of their right to withdraw from WIN Demo without loss of AFDC benefits.
 - 231 Exempt individuals shall be advised to report any changes affecting their exempt status to the CWD.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347; and 45 CFR 224.20(c)(4).

Repeal MPP Section 42-655:

42-655 PENALTIES FOR REFUSAL OR FAILURE TO REGISTER 42-655

- 1 Refusal or failure of a nonexempt principal earner to register in accordance with Section 42-625 results in the denial or discontinuance of AFDC benefits to the family.
- 2 Refusal or failure of a nonexempt individual, other than the principal earner, to register results in the denial or discontinuance of AFDC benefits to that individual. Aid continues to the remainder of the assistance unit unless the AFDC-FG individual who fails to register is the only eligible child in the home in which case aid to the family is denied or discontinued.
- 3 Discontinuance shall be effective as provided under an appropriate Notice of Action (see Section 22-015).
- 4 The individual can reestablish his/her eligibility by fulfilling the required registration or by a finding of exemption.
- 5 There is no durational penalty attached to a failure or refusal to register.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11347.

Amend MPP Section 42-660.521 to read:

42-660 SELECTION FOR PARTICIPATION IN EMPLOYMENT ACTIVITIES 42-660
(Continued)

.5 If the registrant is selected for EDD WIN Demo participation:
(Continued)

.52 If the registrant requires supportive services such
services shall be arranged for or provided prior to
referral to EDD.

.521 Document the services in the WIN_Demo case record.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and
11347.

Amend MPP Sections 42-710.3(e), (p), and (v) to read:

42-710 INTRODUCTION TO GAIN (Continued)

42-710

3 Definitions Used in this Chapter (Continued)

- (e) "Exempt" means that an AFDC applicant or recipient is not required to be registered for GAIN as a condition of eligibility.
- (f) (Continued)
- (g) (Continued)
- (h) (Continued)
- (i) (Continued)
- (j) (Continued)
- (k) (Continued)
- (l) (Continued)
- (m) (Continued)
- (n) (Continued)
- (o) (Continued)
- (p) "Registration" means that a nonexempt or volunteer AFDC applicant or recipient who is included on an AFDC Statement of Facts is individuals who are nonexempt or who volunteer are automatically registered by the EWB for GAIN.
- (q) (Continued)
- (r) (Continued)
- (s) (Continued)
- (t) (Continued)
- (u) (Continued)
- (v) "Volunteer" means an AFDC applicant or recipient who, though exempt from registration, voluntarily participates in GAIN.

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553,
11320.1, and 11320.5(a).

Amend MPP Section 42-760 to read:

42-760 GAIN AUTOMATIC REGISTRATION

42-760

- .1 The following individuals shall be are automatically registered for GAIN:
 - .11 ~~Nonexempt~~ Individuals as specified in Section MPP 42-625.1 who are listed on an AFDC Statement of Facts in accordance with Section 40-118.
 - .12 Exempt individuals who volunteer to participate.
 - .13 Individuals whose status changes from exempt to nonexempt.
 - .131 The CWD shall use the exemption criteria listed in MPP 42-631 through 42-641.
- .2 The CWD shall maintain records designating those individuals who are registered as specified in Section 42-625.7. The CWD shall inform exempt individuals of their right to volunteer for GAIN.
- .3 The CWD shall notify provide a written notification of registration to nonexempt and volunteer individuals in writing that they are registered for GAIN. The notification shall include:
 - .31 A general description of the GAIN program and the availability of job, training, education, and supportive services.
 - .32 The individual's rights, duties, responsibilities, and consequences of a failure or refusal to participate in the program.
 - .33 An explanation to the volunteer of the right to withdraw from participation without loss of AFDC benefits.
- .4 If the CWD is phasing-in its caseload, pursuant to MPP 42-710.26, the CWD shall notify nonexempt individuals in writing that they are registered for GAIN when they are to be phased into the program. The CWD shall provide the same notification of registration that is required in MPP 42-760.3.

- .5 If the individual changes from exempt to nonexempt status, the CWD shall provide the notification of registration as required in MPP 42-760.3.
- .6 For purposes of data collection and participant tracking, the CWD shall maintain copies of the notification of registration required in .3, .4, and .5 above.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11320.1, and 11320.5(a); and 45 CFR 224.20(c)(4).

Amend MPP Section 42-761 to read:

42-761 GAIN REGISTRANT APPRAISAL

42-761

*i The CWD shall be permitted to phase registrants into participation over a period of up to two years from the date GAIN is implemented in the county.

*ii The CWD shall notify the registrant when he/she is to be phased into the program.

*iii As soon as administratively possible, but within 20 working days after the notice is given, the CWD shall appraise the registrant as specified in *3 below.

*21 After the full implementation of GAIN, Except as specified in *2 below, the CWD shall conduct the an appraisal as soon as administratively possible, but within 20 working days after registration from the date the recipient/applicant or caretaker relative signs the AFDC Statement of Facts in the presence of an eligibility worker.

*2 The CWD shall conduct an appraisal as soon as administratively possible, but within 20 working days from the date on the notification of registration to individuals who:

*21 Are being phased into the program as specified in MPP 42-760.4.

*22 Volunteer to participate in GAIN.

*23 Change from exempt to nonexempt status.

*3 Within the time frames in *iii and *2 above, the CWD shall perform Appraisal activities shall include the following:

*31 If the federal Targeted Jobs Tax Credit/California Jobs Tax Credit programs, under which hiring a GAIN registrant may qualify an employer for an income tax credit are in effect, the CWD shall:

*311 Complete a written preliminary determination that the registrant is a member of a targeted group for purposes of the tax credit.

*312 Give the registrant a tax credit form.

- .313 Advise the registrant to tell employers of the tax credit eligibility and to give the form to an employer when hired.

HANDBOOK

(a) The employer may send the form to the appropriate office for certification.

- .32 Obtain information that assists in determining the status of the registrant.

- .321 A self-appraisal form completed by the registrant may be used.

- .322 The information collected shall include, but not be limited to, the following:

- (a) Questions relating to the deferral criteria listed in .4 below.

- (b) Whether the registrant has been employed during the past two years.

- (c) Whether the registrant was discontinued from AFDC two or more times in the past three years due to the registrant's employment.

- (d) Whether the registrant is currently participating in an educational training program.

- (e) Whether the registrant lacks basic literacy or mathematics skills, a high school diploma, or its equivalent, or English language skills.

- (f) The registrant's need for supportive services.

- .33 Determine if the registrant should be deferred from participation based upon the criteria specified in .34 below.

- .34 Reemphasize to nondeferred registrants the services available under GAIN, their responsibilities and consequences for failure or refusal to participate.

- .35 Advise the registrants of their right to appeal, conciliate, and grieve.

.36 Determine which component the nondeferred registrant should be assigned to as part of the basic contract (Section 42-772).

.361 The CWD shall determine if the registrant lacks basic literacy or mathematics skills or English language skills by using the appropriate testing instruments provided by SDSS in conjunction with SDE.

.37 Identify the registrant's need for supportive services. (See Section 42-750.)

.371 The CWD shall immediately refer a registrant with a child(ren) under age 12 to the local child care resource and referral agency whether or not the individual currently requires assistance with child care services.

These individuals will be placed on child care waiting lists to ensure future availability should the need arise.

.38 Enter into a basic contract with the registrant as provided in Section 42-772 unless deferred.

.4 All of the following registrants shall be deferred from mandatory participation until the CWD determines that the situation precluding participation no longer exists:

(a) A caretaker relative who is enrolled in school for at least 12 units of credit and has a child under age six.

(b) A person who is so seriously dependent upon alcohol or drugs that work or training is precluded.

(c) A person who is having an emotional or mental problem that precludes participation.

(d) A person who is involved in legal difficulties, such as court-mandated appearances, which preclude participation.

(e) A person who does not have the legal right to work in the United States.

(f) A person who has a severe family crisis.

- (g) A person who is in good standing in a union which controls referrals and hiring in the occupation.
 - (h) A person who is temporarily laid off from a job with a definite call-back date.
 - (i) A person who is employed for 15 or more hours per week.
 - (j) A person or a family member has a medically verified temporary illness.
- 41 The CWD may request verification of the reason for the deferral if necessary. (See Section 40-157.)
 - 42 The CWD shall document the projected length of time of the deferral.
 - 421 The CWD shall review the deferral situation periodically in accordance with the projected length of time of the deferral, but no less often than every six months.
 - 43 When the deferral situation no longer exists, the CWD and the registrant shall enter into a basic contract with the GWB.

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553 and 11320.2(f).

Amend MPP Section 42-686 to read:

42-786 GAIN FINANCIAL SANCTIONS

42-786

- 1 (Continued)
- 2 (Continued)
- 3 (Continued)
- 4 (Continued)
- 5 (Continued)
- 6 The CWC shall restore aid:
 - 61 Upon expiration of the sanction period if the individual applies for aid, registers with GAIN as required in Section 42-760, and is otherwise eligible; or
 - 62 If the sanction is rescinded as a result of the outcome of a state hearing or either of the formal grievance procedures (Section 42-787).
- 7 (Continued)

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11320.1, and 11320.5(a).

Amend MPP Sections 44-103.116 and .117 to read:

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103

.1 County Responsibility

.11 The county is responsible for: (Continued)

.116 Determining good cause when an apparently eligible applicant or recipient, who is registered in accordance with Section 42-625, does not meet all conditions of eligibility for UIB. Circumstances that may constitute good cause shall be evaluated using the criteria contained in Handbook Subsection 44-103.116(b) below.

.117 Discontinuing or denying aid to an individual, as specified below, if: 1) the applicant or recipient does not apply for or accept any UIB to which EDD determines he/she may be eligible; or 2) the applicant or recipient, when registered in accordance with Section 42-625, did not, without good cause, meet all conditions of eligibility for UIB (see Section 44-103.242 for the definition of "meet all conditions of eligibility for UIB").

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11320.1, and 11320.5(a).

Amend MPP Section 44-103.242 to read:

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103
(Continued)

•2 Applicant and Recipient Responsibility (Continued)

•24 Applicants and Recipients who are apparently eligible
for UIB: (Continued)

- 242 When registered in accordance with Section 42-625,
shall meet all conditions of eligibility for UIB,
unless the county determines that the individual
had good cause (see Section 44-103.116).

Authority: Welfare and Institutions Code Sections 10553,
10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553,
11320.1, and 11320.5(a).

Amend MPP Section 44-206.1, repeal .1(g), and renumber .1(h) through .1(n) to read:

44-206 PERSONS WHO MUST BE EXCLUDED FROM THE ASSISTANCE 44-206
UNIT (AU)

.1 The following persons shall be excluded from the assistance unit (even if it would be appropriate to include them under Sections 44-205.4 or .5): (Continued)

(g) (Continued)

(h) (Continued)

(i) (Continued)

(j) (Continued)

(k) (Continued)

(l) (Continued)

(m) (Continued)

Authority: Welfare and Institutions Code Sections 10553, 10554, and 10604(b).

Reference: Welfare and Institutions Code Sections 10553, 11320.1, and 11320.5(a).

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

FILED
In the office of the Secretary of State
of the State of California

FEB 11 1987

At 4:52 o'clock P.M.
MARCH FONG EU, Secretary of State
By John S. McHugh
Deputy Secretary of State

State Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 1-15-87

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
- | NAME | TITLE | TELEPHONE |
|---------------|--------------------------------------|-----------|
| Rosalie Clark | Regulations Development Bureau Chief | 445-0313 |
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
- Title 22
- SECTIONS ADOPTED: 84044
- SECTIONS AMENDED: 84001; 84065; 84065.1
- SECTIONS REPEALED: _____
- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 84065; 84065.1
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
- ☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: August 29, 1986
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
- | | |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| <input type="checkbox"/> Fair Political Practices Commission (Include FPPC approval stamp) | <input type="checkbox"/> Building Standards Commission (Attach approval) |
| <input type="checkbox"/> State Fire Marshall (Attach approval) | <input type="checkbox"/> Department of Finance (Attach properly signed Std. 399) |
| <input type="checkbox"/> Other _____ (SPECIFY AGENCY) | |
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
November 29, 1985
- b. DATE OF FINAL AGENCY ACTION
January 15, 1987
- c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
November 27 to December 12, 1986
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse) (inclusive)
- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval:
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Adopt Handbook Section 80042(a)(1)(E) to read:

80042 REVOCATION OR SUSPENSION OF LICENSE (Continued) 80042

(a) The Department shall have the authority to suspend or revoke any license on any of the grounds specified in Health and Safety Code Section 1550.

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(1) Health and Safety Code Section 1550 specifies the following grounds: (Continued)

(E) The licensee of any facility or the person providing direct care or supervision who knowingly allows any child to have illegal drugs or alcohol on the licensed premises.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1550 and 1551, Health and Safety Code.

Amend Section 84001 to read:

84001 DEFINITIONS

84001

(a) In addition to Section 80001, the following shall apply:
(continued)

(3) "Facility Manager" as defined in Health and Safety Code
Section 1522.4(a)(1).

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(A) Section 1522.4(a)(1) defines a "facility manager"
as "a person on the premises with the authority
and responsibility necessary to manage and control
the day-to-day operation of a community care
facility and supervise the clients." The facility
manager, licensee, and administrator, or any
combination thereof, may be the same person
provided he or she meets all applicable
requirements. If the administrator is also the
facility manager for the same facility, this
person shall be limited to the administration and
management of only one facility.

(34) (continued)

(45) (continued)

(56) (continued)

(67) (continued)

(78) (continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1503, 1522.4, and 1531,
Health and Safety Code; and Section 11406(c),
Welfare and Institutions Code.

Adopt Section 84044 to read:

84044 INSPECTION AUTHORITY OF THE DEPARTMENT OR
LICENSING AGENCY

84044

(a) In addition to Section 80044, licensees providing care and supervision to six or fewer clients shall comply with the provision of Health and Safety Code Section 1522.4(a)(5).

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(1) Health and Safety Code Section 1522.4(a)(5) states:

"In addition to any notices required under Section 1538.5, if the department sends a notice to the licensee as a result of a substantiated complaint regarding a violation of any provision of this chapter, the department shall notify the placement agency, as designated in each resident's placement agreement, of the nature of the complaint.

Any placement agency placing, or making an inquiry for placement of, a client shall also be informed by the licensee of any unresolved complaint notices and the nature of the complaints."

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 1522.4, Health and Safety Code.

Amend Section 84065 to include new (d), and renumber Sections 84065(d) through (j) to read:

84065 PERSONNEL REQUIREMENTS (Continued)

84065

(d) In facilities with a licensed capacity of six or fewer clients, the facility shall designate at least one facility manager who meets the following requirements to be present at the facility at all times when children are present.

(1) This requirement shall apply only to new facilities which apply for a license after January 1, 1985.

(2) The facility manager shall meet one of the following requirements prior to employment:

(A) One year of full-time experience, or its equivalent, working with the client group to be served.

(1) Experience shall be verified as having been performed as a paid or volunteer staff person whose duties required direct supervision and care of the client group served.

(B) Two years experience as the social work staff in a group home performing those duties as specified in Section 84065.1(h).

(C) Completion with a passing grade, from an accredited or approved college or university, of 15 college semester or equivalent quarter units in behavioral sciences, 9 units of which must be in courses relating to children with behavioral problems which may be the result of abuse, neglect, or emotional trauma. The courses may include, but are not limited to curriculums in Corrections, Psychology, Social Work, or Social welfare.

(de) (Continued)

(ef) (Continued)

(fg) (Continued)

(gh) (Continued)

(hi) (Continued)

(ij) (Continued)

(jk) (Continued)

Authority Cited: Section 1530. Health and Safety Code.

Reference: Section 1501, 1522.4, 1531 and 1562. Health and Safety Code.

Amend Section 84065.1 to include new (a), and renumber Sections 84065.1(a) through (d) to read:

84065.1 PERSONNEL DUTIES

84065.1

(a) The facility manager(s) shall:

- (1) Meet the requirements of Health and Safety Code Section 1522.4(a)(3).

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(A) Health and Safety Code Section 1522.4(a)(3) also states:

A facility manager shall be at the facility at all times when one or more clients are present. To ensure adequate supervision of clients when clients are at the facility outside of their normal schedule, a current telephone number where the facility manager can be reached shall be provided to the clients, licensing agency, school, and any other agency as the department determines is necessary. The facility manager shall instruct these agencies and individuals to notify him or her when clients will be returning to the facility outside of the normal hours.

- (ab) (Continued)
(bc) (Continued)
(cd) (Continued)
(de) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1522.4, and 1531, Health and Safety Code.

STATE OF CALIFORNIA
STU Form 400 (Rev. 8/85)

FACE SHEET

(See Instructions on Reverse)

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
FEB 9 1987

Office of Administrative Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.Bureau of Collection and
Investigative Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Chief

Date January 8, 1987

FILED
In the office of the Secretary of State
of the State of California

FEB 11 1987

At 4:15 o'clock P.M.
MARCH FONG EU, Secretary of State
By *John Bates*
Deputy Secretary of State

For use of Office of Adm Law

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)	TITLE	TELEPHONE
SHIRLEY THOMAS, ASSISTANT CHIEF		739-3104

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title 16

SECTIONS ADOPTED:

N/A

SECTIONS AMENDED:

600.1, 601, 602, 602.1

SECTIONS REPEALED:

639

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER	b. DATE OF FINAL AGENCY ACTION	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
November 21, 1986	January 8, 1987	N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

SPECIFIC LANGUAGE

- (1) Amend Section 600.1 to read:

600.1. Definitions.

In this chapter, unless the context otherwise requires:

- ~~(a) "Director" means the Director of Consumer Affairs;~~
- ~~(b) "Bureau" means the Bureau of Collection and Investigative Services;~~
- ~~(c) "Chief" means the Chief of the Bureau of Collection and Investigative Services;~~

(a) "Code" refers to the Business and Professions Code.

~~(d) (b) "Chapter" refers to Chapter 8, 11, 11.5 or 11.6 of Division 3 of the Code. the appropriate chapter of Division 3 of the Business and Professions Code; in Article 2 of these regulations it refers to Chapter 8, and in Articles 3, 4, 6 and 7 of these regulations it refers to Chapter 11.5;~~

~~(e) (c) "Person" includes any individual, firm, company, association, organization, partnership or corporation.~~

~~(f) (d) "Licensee" as used herein means any person licensed, certified, or registered or issued a permit under Chapter 8, or 11, 11.5 or 11.6 of the Business and Professions Code or who has been issued a firearms card pursuant to Chapter 11 of such Code.~~

~~(g) "Commercial account" means any account based on a transaction other than for personal, family, or household purposes.~~

~~(h) "Alarm agent" for the purpose of Article 6 is an employee of an alarm company operator who does not respond to activated alarms but whose duties include altering, installing, maintaining, moving, repairing, replacing, or servicing an alarm system.~~

~~(i) "Responding alarm agent" within the meaning of Section 687 of the Business and Professions Code and Article 7 is an alarm agent who responds to alarms or who is in uniform and on duty for the purpose of responding to an alarm.~~

~~(j) "Assignment" means that legal title to a claim is transferred from the person owning the claim to a licensed collection agency notwithstanding the fact that the consideration paid by the licensed collection agency to the assignor may be contingent upon collection of the claim.~~

(e) "License" as used herein includes a certificate, registration, permit or other means to engage in a business or profession regulated by Chapter 8, 11, 11.5 or 11.6 of the Code.

NOTE: Authority cited: Sections 6863, 7501.6, 7515 and 7591.6, Business and Professions Code. Reference: Sections 6851, 6863, 7500.1, 7501.6, 7512.4, 7515, 7590.1 and 7591.6, Business and Professions Code.

(2) Amend Section 601 to read:

601. Application for Examination.

An applicant is not eligible for examination until he or she has filed a complete application accompanied by the appropriate fee. Complete applications must be filed in person at or mailed to the bureau's Sacramento office not later than 20 days prior to the next scheduled or requested examination date. An applicant who fails to file within the above time period may, at ~~in~~ the bureau's discretion, be scheduled to take the following scheduled examination.

NOTE: Authority cited: Sections 6863, 7501.6, 7515 and 7591.6, Business and Professions Code. Reference: Sections 6875, 6956, 7503, 7511, 7526, 7570, 7593, and 7599.70, Business and Professions Code.

- (3) Amend Section 602 to read:

602. Substantial Relationship Criteria.

For purposes of denial, suspension, or revocation of a license ~~of a private investigator, private patrol operator, or alarm company operator,~~ or the registration of an employee subject to registration pursuant to Division 1.5 (commencing with Section 475) of the ~~Business and Professions~~ Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a ~~private investigator, private patrol operator, alarm company operator, or the registration of an employee subject to registration~~ licensee if to a substantial degree it evidences present or potential unfitness ~~of a licensee~~ to perform the functions authorized by ~~his~~ the license in a manner consistent with the public health, safety, and welfare. ~~Such crimes or acts shall include, but not be limited to, those delineated in Section 7561.1 or 7561.4 of the Business and Professions Code.~~

NOTE: Authority cited: Sections 481, 6863, 7501.6, 7515 and 7591.6, Business and Professions Code. Reference: Sections 475, 480, 481, 490, 7561.1 and 7561.4, Business and Professions Code.

- (4) Amend Section 602.1 to read:

602.1. Criteria for Evaluating Rehabilitation.

When considering the denial, suspension, revocation, or reinstatement of a license, ~~registration, or certificate~~ for which application has been made under Chapter 8, 11, 11.5 or 11.6, of the ~~Business and Professions~~ Code, the Director, in evaluating the rehabilitation of the applicant, licensee, ~~registrant, certificate holder~~ or petitioner and his or her

present eligibility for a license, ~~registration, or certificate~~, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the ~~Business and Professions~~ Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(6) If applicable, evidence of ~~expungement~~ proceedings pursuant to Section 1203.4 of the Penal Code.

NOTE: Authority cited: Sections 482, 6863, 7501.6, 7515 and 7591.6, Business and Professions Code. Reference: Sections 480, 482 and 490, Business and Professions Code; Section 1203.4, Penal Code.

(5) Repeal Section 639:

~~639. License, Qualification, Certificate, Reinstatement, and Registration Fees.~~

~~Pursuant to Section 6956 of the Business and Professions Code, fees are fixed as follows:~~

~~(a) The original license fee is \$500.00.~~

~~(b) The license continuation fee is \$390.00.~~

- ~~(c) The duplicate license fee is \$30.00.~~
- ~~(d) The temporary license fee is \$60.00.~~
- ~~(e) The delinquency fee is \$50.00.~~
- ~~(f) The examination fee is \$100.00.~~
- ~~(g) The qualification certificate application fee is \$100.00.~~
- ~~(h) The qualification certificate continuation fee is \$100.00.~~
- ~~(i) Reinstatement fees are those prescribed in Section 6956.~~
- ~~(j) The employee registration fee is \$25.00.~~
- ~~(k) The employee registration continuation fee is \$25.00.~~

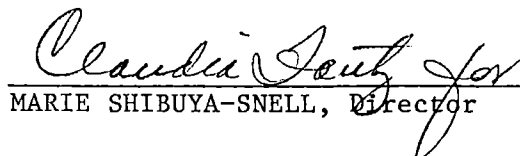
NOTE: Authority cited: Section 6863, Business and Professions Code.
Reference cited: Section 6956, Business and Professions Code.



GARY R. KERN, Chief

1/7/87

Date



MARIE SHIBUYA-SNELL, Director

1-8-87

Date

87-0227-2

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
MAR 11 1987

Office of Administrative Law

For use of Office of Adm Law

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 2/26/87

FILED

In the office of the Secretary of State
of the State of California

MAR 11 1987

At 4:13 o'clock P.M.

MARCH FONG EU, Secretary of State

By [Signature] Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☒ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title

~~SECTIONS ADOPTED:~~

Sections Renumbered: 63-402.92, .93, and .94

~~SECTIONS AMENDED:~~

~~SECTIONS REPEALED:~~

APPROVED

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER N/A

b. DATE OF FINAL AGENCY ACTION February 26, 1987

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s):
- d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- a. Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - b. Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - c. Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- a. A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - b. An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - c. If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - d. If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - e. If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

State of California

Health and Welfare Agency

M E M O R A N D U M

To : Linda Stockdale Brewer, Director
Office of Administrative Law
555 Capitol Mall, Suite 1290
Sacramento, California 95814

-Date: January 30, 1987

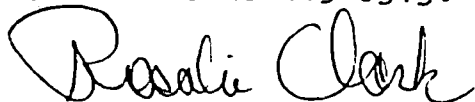
Subject: Food Stamp
Editorial
Correction

Subject: (RDB #0187-04) Food Stamp Regulations-Editorial Corrections

We are requesting approval of the "changes without regulatory effect" summarized below.

Renumbering of Sections 63-402.92, .93, and .94 of Division 63 of the Manual of Policies and Procedures to Sections 63-402.82, .83, and .84 respectively. These revisions will place the previously listed sections in the appropriate numerical order without affecting regulatory intent.

If you have any questions or need more information, please contact me at 445-0313.



Rosalie Clark, Chief
Regulations Development Bureau

Attachment

Renumber MPP 63-402.92, .93, .94 to 63-402.82, .83, and .84 respectively:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

- .892 Households with striking members shall be ineligible to participate in the Food Stamp Program unless the household was eligible one day prior to involvement in the strike action and on the date of application.

The CWD shall perform two separate eligibility determinations.

- a. Determine eligibility based on circumstances one day prior to the household member's involvement in the strike action. The CWD shall use the household's income as it stood one day prior to the member's involvement in strike action.
- b. Determine eligibility under current circumstances. In determining the eligibility of the striker's household during strike action, the CWD shall compare the striker's income as it stood one day prior to the member's involvement in the strike to any income anticipated by the striker such as, but not limited to, income from the receipt of strike benefits or temporary employment during the strike. The higher of the two shall be added to anticipated income of nonstriking members during the month of application. To determine benefits and eligibility for households subject to the net income eligibility standard, deductions shall be calculated for the month of application as for any household. Whether the striker's prestrike earnings are used or his current income is used, the earnings deductions shall be allowed as specified in Sections 63-503.311 and .312. Benefit level of an eligible striker household is based on current circumstance except for income as specified above.

- .893 The household's income immediately prior to the involvement in the strike action at the date of

application shall be verified at the time of application. Any anticipated income during the strike shall also be accounted for at this time. It is the responsibility of the household to provide the CWC with verification of such income for the purpose of determining eligibility and benefit levels in accordance with Section 63-300.5.

.894 Strikers shall be subject to the work registration requirements unless exempt under Section 63-407.2.

Authority Cited: Welfare and Institutions Code Sections 10553 and 18904.

Reference: Welfare and Institutions Code Section 10553.

MAR 12 1987

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
MAR 17 1987

EMERGENCY FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

Irish S. McMahon

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 3/11/87

For use of Office of Adm Law

RDB #0187-01

OAL FILE #87-0227-10E

FILED

In the office of the Secretary of State
of the State of California

MAR 17 1987

At 4:43 o'clock P.M.

MARCH FONG EU, Secretary of State

By *[Signature]*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark, Chief Reulations Development Bureau

445-0313

2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title _____ SECTIONS ADOPTED: Manual of Policies and Procedures (MPP) Section 50-015

SECTIONS AMENDED:

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: February 27, 1987

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL _____

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
- ☐ Other _____ (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER N/A	b. DATE OF FINAL AGENCY ACTION March 11, 1987	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) N/A
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9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☒ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
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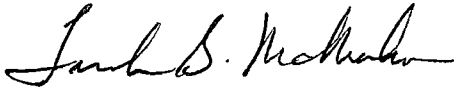
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DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Adopt new Section 50-015 to read:

50-015 GRIMESY v. McMAHON RETROACTIVE COURT CASE

50-015

HANDBOOK

.1 Background

The Grimesy v. McMahon lawsuit challenged the state Department of Social Services (hereinafter referred to as "SDSS"), authority to deem the income of senior parents to 18-year-old minor parents living at home and not attending school. On June 24, 1986 the United States District Court for the Northern District of California issued an injunction prohibiting SDSS from further implementation of MPP 44-133.7 (Senior Parent Deeming) and from recovering overpayments due to failure to consider senior parent income, for members of the class. The court also ordered SDSS to confer with plaintiffs' attorneys for the purpose of developing procedures to provide retroactive benefits to class members. On December 22, 1986 the Order for retroactive benefits was issued and the provisions of that Order are set forth in the following regulations.

.2 Definitions

For the purposes of these regulations:

- (a) "Class Member" or "Minor Parent" means an otherwise cash-aid-eligible 18-year-old person who was pregnant or was living with his/her child and was also living with a senior parent and was not meeting the school attendance requirements of Section 42-101.2, and who had his/her cash aid reduced, denied, or terminated during the retroactive period due to the income of the senior parent.
- (b) "Senior Parent" means the natural or adoptive parent, or legal guardian of a minor parent.
- (c) "Claim Form" means that portion of the SDSS designed informing/claiming notice which must be completed, signed, and returned to the appropriate county welfare department for determination of a claimant's eligibility for retroactive benefits.

(d) "Supplemental Claim Form" means that SDSS designed claiming document which is to be mailed to and used by the claimant when the claimant's case record is not available, or the information contained in the claimant's case record is not sufficient to permit the determination of eligibility for retroactive benefits.

(e) "Retroactive Period" means the period of time between January 18, 1985 and June 23, 1986.

(f) The following forms are available pursuant to these regulations, and are identified by form number as follows:

Informing/Claiming Notice and Claim Form (state mailed)
TEMP 1694

Informing/Claiming Notice and Claim Form (county mailed)
TEMP 1694A

Supplemental Claim Form TEMP 1694B

HANDBOOK

3 Informing Potentially Eligible Persons of the Availability of Retroactive Benefits.

31 In order to notify potentially eligible persons SDSS shall:

311 On or before April 1, 1987, send by first class mail an informing/claiming notice printed in both English and Spanish to all persons who were 18 years of age and who received AFDC-linked Medi-Cal benefits between January 1, 1985 and August 31, 1986.

312 Issue posters printed in both English and Spanish informing the general public of the availability of benefits. The posters shall contain the same language as the informing/claiming notice.

(a) These posters shall be provided to the Employment Development Department, Social Security Offices, and County Welfare Departments (hereinafter referred to as CWD's), for posting throughout the State of California from April 1, 1987 through June 30, 1987. Additional posters will be made

available for posting in all legal aid offices in the state.

- .313 Provide CWD's with reproducible copies of the English and Spanish informing/claiming notice.

.32 County Responsibilities

- .321 The counties identified in Subsection .322 below shall either identify all applications for AFDC which were denied due to Section 44-133.7, or identify all applications which were denied due to excess income between January 18, 1985 and June 23, 1986, and shall mail an informing/claiming notice on or before April 1, 1987 to all such applicants.
- .322 The counties responsible for identifying applicants and mailing the specified informing/claiming notice as set forth in Subsection .321 above are: Alameda, Amador, Calaveras, Contra Costa, Fresno, Kern, Lassen, Los Angeles, Marin, Mendocino, Monterey, Napa, Orange, Placer, Plumas, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Ventura, and Yolo.
- .323 All counties shall post English and Spanish informing posters, supplied by SDCS, in conspicuous locations in all CWD offices from April 1, 1987 through June 30, 1987.
- .324 All counties shall forward a supply of the English and Spanish informing posters, supplied by SDCS, to all Food Stamp issuance outlets within the county with instructions that the posters be displayed in conspicuous locations from April 1, 1987 through June 30, 1987.
- .325 All counties shall reproduce a supply of the English and Spanish informing/claiming notice specified in Subsection .313 and shall give or mail such notices to anyone upon request.
- .326 All counties shall designate a person who will be responsible for receiving and processing changes of address for claimants if payment of retroactive benefits is stayed pending appeal of the lawsuit.

.4 Application for Retroactive Benefits

.41 Claimant Responsibilities

.411 The claimant shall complete and sign, under penalty of perjury, the claim form.

(a) A claim form shall be considered complete when the claimant has provided a response to all the questions and has provided a name, address, date of birth and social security number (SSN) or indication that claimant has no SSN.

.412 The claimant shall submit a claim form to the CWD in each county from which cash aid was received, or was denied/discontinued during the month(s) for which retroactive benefits are being claimed.

.413 The claim form must be submitted by June 30, 1987, except as provided in Subsection .414.

(a) Unless the evidence indicates otherwise, the date the claim form is submitted shall be determined as follows:

1. The postmark date of the envelope when the claim is mailed to the CWD; or
2. The date stamped on the claim form by the CWD, when the claim is delivered in person to the CWD; or
3. The date the claim form was signed by the claimant, when the date cannot be determined by either (1) or (2) above.

.414 The claimant shall be permitted to resubmit a previously denied claim or a portion thereof, if the claim has been denied in accordance with Subsection .522 and the date of resubmittal is on or before July 30, 1987 or 30 days from the date of the denial for submission to the wrong CWD, whichever is later.

.42 CWD Responsibilities

- .421 The CWD shall stamp each claim form with the date the form was received and shall retain all envelopes that were postmarked after June 30, 1987.
- .422 Claims submitted after the date specified in Subsection .413 above shall be denied except as provided in Subsection .414 above.
- .423 The CWD shall attempt to locate a case record, including a Medi-Cal case record, for the claimant.

.5 Claim(s) Processing

- .51 The CWD shall review each claim form to determine whether the claimant may be a member of the class and whether claimant has provided a complete claim form pursuant to Subsection .411.
- .511 If the claimant answered "no" to any of the first five questions on the claim form, the claimant is not a member of the class and the county shall deny the claim without further review.
- .512 The CWD shall review the claim form and request further information or clarification if the form is incomplete or the information is internally inconsistent.
- .513 In the event the case record cannot be located or the information contained in the case record is insufficient to confirm or deny class membership as defined in Subsection .2(a), the CWD shall mail a supplemental claim form to the claimant. Where the case record does contain sufficient information, compute retroactive benefits in accordance with subsection .6 below.
- .514 If the supplemental claim form is not returned to the CWD within 60 days of the date mailed to the claimant, the claim shall be denied.
 - (a) The date the supplemental claim form is returned to the CWD is determined in accordance with subsection .413(a) above.
- .515 Claimants may be requested to supply documentation of information provided in the supplemental claim form where such documentation is actually in the

claimant's possession. Where claimants do not have documentation in their possession they may be asked to sign a release of information enabling the county to obtain documentation on their behalf. Signature for the release of information and the claimant's sworn statement that the information provided is correct, will be sufficient to process a claim for retroactive benefits.

.516 Where the CWD determines, based on information in the case record or on the supplemental claim form, that the claimant was not eligible for cash aid due to excess income, excess property, or lack of a basis of deprivation for the child during all or part of the retroactive period, the claim shall be denied for those months.

.517 If the CWD determines that the claimant is not a member of the class, the CWD shall deny the claim. The CWD shall review all existing records and shall deny the claim if no record can be found that the claimant applied for or received cash aid. This provision applies only when the CWD can certify that a listing of cash aid cases (such as the AFDC payroll or warrant register) was retained in addition to cash aid case records for the month(s) claimed. In addition, this provision can be applied to claimants who were denied cash aid only when the CWD can certify that existing cash aid case records include all denials.

.52 If a CWD receives a claim for any period in which the CWD can determine from the claim form or the case record that the form has been submitted to the wrong county, the CWD shall either:

.521 Forward within 15 working days from the date of receipt the claim form or a copy thereof to the correct CWD, with a copy of the Notice of Action (NOA) sent to the claimant, indicating the claim month to be processed by the second CWD, when the correct CWD can be determined by the information on the claim form or case record. In addition, the CWD shall inform the claimant on a NOA, that for the period in question, his/her claim has been forwarded to the correct CWD for processing.

(a) The date the claim form was submitted to the first CWD, as determined in Subsection

.413(a). shall be considered the date of submission to the second CWD.

-or-

.522 Deny that period claimed in which the correct CWD cannot be determined from the information on the claim form. The CWD shall return the claim form or a copy thereof together with the Notice of Action informing the claimant of the denial.

.6 Calculation of Retroactive Benefits

When the case record contains sufficient information or when retroactive benefits are being computed upon the information contained on a supplemental claim form, the CWD shall determine the amount of the retroactive benefits as follows:

.61 In the event that the information on the claim form conflicts with the information contained in the case record, the CWD shall use the information contained in the case record to determine the amount of retroactive benefits.

.62 For each month of the retroactive period, determine the months in which the claimant would have been eligible if senior parent income had not been considered (See Subsection .516).

.63 For each month determined in Subsection .62 above calculate the correct grant in accordance with Chapter 44-100 (Income) and Section 44-315.4 (Amount of Aid) except:

(a) Senior parent income shall not be deemed to the minor parent;

(b) The value of need items contributed by the senior parent to the minor parent shall not be considered as income in-kind;

(c) If the minor parent received cash from the senior parent with instructions to use the cash to make a purchase for the entire family, including the senior parent unit, the cash shall not be considered income to the minor parent and child(ren) regardless of the nature of the expenditures;

(d) When any person (including the senior parent) gave the minor parent cash which was to be used for the minor parent or child(ren) and the cash was given for a restricted purpose, the cash was not available to otherwise meet current needs and, therefore, shall not be considered income to the minor parent or child(ren);

(e) Cash which was voluntarily and regularly given to the minor parent but was not restricted as to use is considered income to the minor parent only to the extent it exceeds \$60 per calendar quarter.

.64 Determine the amount of cash aid actually received by the claimant and compare it to the correct grant for each month identified in Subsection .62 above.

(a) If the cash aid received is less than the correct grant, the difference is the retroactive benefit for that month, to be paid in accordance with Subsection .7 below.

(b) If the cash aid received is more than the correct grant, an overpayment exists and shall be balanced against retroactive benefits prior to payment under Subsection .7 below.

(c) If the cash aid received is the same as the correct grant, and an overpayment was previously calculated for that month due to the deeming of senior parent income, the overpayment shall be voided, all recoupment activity shall cease, and any amounts previously recouped shall be considered a retroactive benefit to be paid under Subsection .7 below.

(d) If the cash aid received is the same as the correct grant and no overpayment was previously calculated for that month, claimant is not a class member and the claim shall be denied.

.65 Notify claimants of the disposition of their claims within 90 days of the close of the claim period.

.7 Computation of the Total Retroactive Payment

.71 The CWD shall use the percentage specified in Subsection .711 to compute the amount of interest on the payable retroactive benefits for each month.

(a) Multiply the amount of the monthly retroactive benefit by the appropriate percentage for the month in which payment is authorized, as set forth in Subsection .711 below.

HANDBOOK

Example:

(Month of retroactive benefit) February 1985 = \$474.00

(Interest percentage to be paid in payment authorization month) $\times \text{June } 1987 = \times .2411$
Interest Amount = \$114.28

- (b) Add the amount of the monthly retroactive benefit to the interest as computed in (a) above to determine the monthly retroactive payment.

HANDBOOK

Example:

Retroactive Benefit + Interest = Retroactive Payment
\$474 + \$114.28 = \$588.28

- (c) Determine the total amount of the retroactive payment by adding together the monthly payments as computed in (b) above.

.711TABLE FOR COMPUTING INTEREST FOR
MONTHLY RETROACTIVE BENEFITS

RETROACTIVE BENEFIT MONTH	PAYMENT AUTORIZATION MONTH						
	April 1987	May 1987	June 1987	July 1987	August 1987	Sept 1987	Oct 1987
January 85	.2329	.2414	.2496	.2581	.2666	.2748	.2833
February 85	.2244	.2329	.2411	.2496	.2581	.2663	.2748
March 85	.2167	.2252	.2334	.2419	.2504	.2586	.2671
April 85	.2082	.2167	.2249	.2334	.2419	.2501	.2586
May 85	.2000	.2085	.2167	.2252	.2337	.2419	.2504
June 85	.1915	.2000	.2082	.2167	.2252	.2334	.2419
July 85	.1833	.1918	.2000	.2085	.2170	.2252	.2337
August 85	.1748	.1833	.1915	.2000	.2085	.2167	.2252
September 85	.1663	.1748	.1830	.1915	.2000	.2082	.2167
October 85	.1581	.1666	.1748	.1833	.1918	.2000	.2085
November 85	.1496	.1581	.1663	.1748	.1833	.1915	.2000
December 85	.1414	.1499	.1581	.1666	.1751	.1833	.1918
January 86	.1329	.1414	.1496	.1581	.1666	.1748	.1833
February 86	.1244	.1329	.1411	.1496	.1581	.1663	.1748
March 86	.1167	.1252	.1334	.1419	.1504	.1586	.1671
April 86	.1082	.1167	.1249	.1334	.1419	.1501	.1586
May 86	.1000	.1085	.1167	.1252	.1337	.1419	.1504
June 86	.0915	.1000	.1082	.1167	.1252	.1334	.1419

.8 Statistical Reporting

.81 The CWD shall submit to SDSS a statistical report no later than October 15, 1987, containing the following information:

- (a) The number of claims paid;
- (b) The number of Supplemental Claim Forms sent out;
- (c) The number of claims received;
- (d) The total amount of money paid to reimburse class members;
- (e) The number of claims paid based solely on information in the case file; and
- (f) The number of claims paid based on information provided by Supplemental Claim Forms.

Authority Cited: Welfare and Institutions Code Sections 10553, 10554, 10604.

Reference: Welfare and Institutions Code Sections 10553, 10554, 10604, and Order RE: Retroactive Benefits issued by the United States District Court for the Northern District of California on December 22, 1986 in the case of Grimesy v. McMahon (No. C860947SW).

FACE SHEET

SUBMITTED FOR REVIEW

FEB 20 1987

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 20 1987

Office of Administrative Law
For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

State Department of Social Services

(AGENCY)

John S. McHugh

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 2/4/87

FILED
In the office of the Secretary of State
of the State of California

MAR 20 1987

At 4:28 o'clock P.M.

MARCH FONG EU, Secretary of State

By *John S. McHugh*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE
Rosalie P. Clark Chief, Regulations Development Bureau 445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and sections as follows:

Title MPP

SECTIONS ADOPTED:

69-311

SECTIONS AMENDED:

69-204; 69-206; 69-208; 69-209; 69-211; 69-217; 69-219

SECTIONS REPEALED:

- b. The following sections listed in 3a contain modifications to the text originally made available to the public:

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

- ☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL:

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

- ☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☒ Department of Finance (Attach properly signed Std. 399)
- ☐ Other (SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER October 3, 1986	b. DATE OF FINAL AGENCY ACTION February 4, 1987	c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) Not Applicable
--------------------------------------------------------------------------------------------------	----------------------------------------------------	---------------------------------------------------------------------------------------------------

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☐ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☒ Effective on filing w/ Sec. of State (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

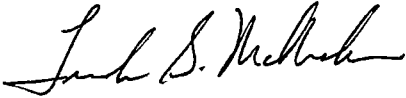
FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- Seven (7) copies of the regulations. Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Repeal current MPP Section 69-204.21, adopt new 69-204.21 and .22, and renumber and amend 69-204.22 to read:

69-204 RESETTLEMENT AGENCY, SPONSOR AND COUNTY
RESPONSIBILITIES (Continued)

69-204

.2 County Responsibilities (Continued)

When a refugee applies to a county for financial assistance, the procedures outlined below shall be followed:

.21 After receiving prior written consent from the refugee the EWB shall 1) notify the national headquarters or the local office of the responsible VOLAG when a refugee is applying for assistance; 2) contact the sponsor or VOLAG and inquire of what assistance, if any, the sponsor is providing for the refugee and 3) whether the refugee has refused an offer of employment or has voluntarily quit a job.

.21 The CWD, as part of the regular process of determining or redetermining a refugee's eligibility for cash assistance during the first 36 months after the refugee's entry into the U.S., shall:

.211 Notify the national headquarters or the local office of the responsible VOLAG and:

(a) Inquire what assistance, if any, the Sponsor or VOLAG is providing for the refugee; and

(b) Inquire whether the refugee has refused an offer of employment or has voluntarily quit a job.

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.212 A telephone call in the absence of an in-person contact is sufficient to fulfill the requirements specified in 69-204.211(a) and (b).

.213 A written statement by the sponsor or VOLAG is not required, but is preferred.

.214 Information received by means of an in-person contact, telephone call, or written statement shall be made part of the case record, and shall include the name of the resettlement agency.

.22 When a VOLAG or sponsor requests the address and telephone number for a refugee during his/her first 36 months after his/her entry into the United States, the CWD shall provide this information to the VOLAG or sponsor.

.223 If the refugee refuses to provide information regarding his/her sponsor or VOLAG, or refuses to sign the consent form, the CWD shall deny or discontinue aid.

Authority Cited: Welfare and Institutions Code Sections 10553 and 10554, Welfare and Institutions Code.

Reference: ORR-AT-82-3 and ORR-AT-82-1; Section 10850, Welfare and Institutions Code; and 45 CFR 400.27(b).

Amend MPP Section 69-206.212 to read:

69-206 ELIGIBILITY FOR REFUGEE DEMONSTRATION PROJECT 69-206
(ROP) OR REFUGEE CASH ASSISTANCE (RCA) (Continued)

•2 (Continued)

•21 (Continued)

•212 Eligibility for RCA is limited to the first 18 months following the refugee's date of entry in the United States. The month of entry, as indicated on the INS Form I-94, is counted as the first month. Unaccompanied refugee children minors (Section 69-211) are not subject to the 18-month time-limitation.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.111 and 8 USC 1522.

Repeal Section 69-208.4 j. and renumber k.:

**69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED 69-208
EDUCATION/TRAINING REQUIREMENTS (Continued)**

**.4 Refugees Exempt from Employment and Employment-Directed
Education/Training Requirements: (Continued)**

j. The caretaker parent or other caretaker relative of a child when one parent in the FBU is registered and has not refused to participate in an employment-directed education/training program or to accept employment without good cause.

kj. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: February 26, 1986 letter from Sharon Fujii, Office of Refugee Resettlement, U.S. Department of Health and Human Services.

Amend MPP Section 69-209.5 to read:

69-209 AID PAYMENTS (Continued)

69-209

- 5 Payments for unaccompanied refugee children minors shall be paid at the foster care rate established in the county, as determined in Operations Manual, Chapter 11-400 of the Manual of Policies and Procedures.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.111 and 8 USC 1522.

Amend MPP Section 69-211 to read:

69-211 UNACCOMPANIED REFUGEE CHILDREN MINORS

69-211

- 1 An unaccompanied refugee child minor is a refugee minor who:
 - 11 Has not yet reached the age of majority as established by AFBE regulations and who otherwise qualifies for Out-of-Home care services for children and Meets the age requirements of MPP Section 42-101.1.
 - 12 Entered the United States unaccompanied by and not destined to:
 - 121 a parent or;
 - 122 an immediate close nonparental adult relative who is willing and able to care for the child; ~~their~~ grandparents, aunts, uncles, adult siblings, or
 - 123 any adult who arrived having documentable legal evidence of with a clear and court-verifiable claim to custody of the minor, and
 - 13 Has no parent(s) in the United States.
- 2 An unaccompanied minor continues to meet the criteria for unaccompanied minor and is eligible for child welfare services and foster care payments until the minor:
 - 21 Is reunited with a parent; or
 - 22 Is reunited with a nonparental adult, either relative or nonrelative, willing and able to care for the child to whom legal custody and/or guardianship is granted; or
 - 23 No longer meets the age requirements of MPP Section 42-101.1.
- 3 Unaccompanied refugee children reunited with nonparent adult relatives or under the care of legally responsible adults are considered as unaccompanied refugee children if they were unaccompanied at the time of their entry into the United States.
- 3 Procedures for establishing legal responsibility for the unaccompanied minor with an appropriate court, if action by a court is required, shall be initiated by the CWD within 30 days after the minor arrives at the location of resettlement.

- .4 Responsibility for the care, custody and control of unaccompanied refugee minors shall be established under Welfare and Institutions Code Section 300 or Probate Code Sections 1500 or 1501.
- .5 The EWB services section shall develop plans for unaccompanied refugee children, provide follow-up supervision and take steps to establish legal protection including obtaining agency custody when necessary.
- .25 Placement of unaccompanied refugee children minors in foster care shall be made in accordance with AFBE Foster Care regulations, Division 30 of the Manual of Policies and Procedures (MPP), and eligibility for foster care payments shall be made in accordance with MPP Division 45, Chapter 200.
- .6 In addition to the case planning requirements of Division 30, the CWD shall plan for the provision of the following services to unaccompanied minors:
 - .61 Orientation, assessment, and counseling to facilitate the adjustment of the child to American culture; and
 - .62 Preparation for participation in American society with special emphasis on English language instruction and occupational as well as cultural training as necessary to facilitate the child's social integration and to prepare the child for independent living and economic self-sufficiency.
- .7 After the initial placement of an unaccompanied minor, the procedures for interstate movement, MPP Section 30-366, that govern the movement of nonrefugee foster care cases to other states also apply to the movement of unaccompanied minors to other states.
- .48 Unaccompanied refugee children minor cases shall be claimed under RCA. The 18-month time limit applicable to RCA cases does not apply.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: SSA-AT-79-04 and 8 USC 1522; 45 CFR 400.111, .113, .115, .116, .117, .118, and .119.

Adopt MPP Section 69-217.11 to read:

69-217 CASE RECORDS (Continued)

69-217

- 1 A case folder shall be set up for each refugee assistance case which shall contain a payment record and related documents. The authorization and payment process for all refugees shall be completed by using DSS approved county procedures.

•11 The requirements in MPP Sections 23-353 through 23-361 shall apply to refugee case records.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 10851, Welfare and Institutions Code.

Amend MPP Section 69-219.21 to read:

69-219 CLAIMING AND REIMBURSEMENT (Continued)

69-219

.2 Case Numbers - General (Continued)

- .21 All RCA cases, including those for unaccompanied refugee children minors, shall be designated with the aid code 01.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.111 and 8 USC 1522.

Adopt MPP Section 69-311 to read:

69-311 UNACCOMPANIED CUBAN/HAITIAN ENTRANT MINORS

69-311

- .1 An unaccompanied entrant minor is a Cuban/Haitian entrant who:
 - .11 Meets the age requirements of EAS Section 42-101.1; and
 - .12 Entered the United States unaccompanied by a parent or one of the following immediate adult relatives: grandparent, aunt, uncle, sibling, or any adult who arrived having documentable legal evidence of custody of the minor; and
 - .13 Has no parent(s) in the United States.
- .2 Unaccompanied entrant minors reunited with nonparental adult relatives or under the care of legally responsible adults shall be considered as unaccompanied minors if they were unaccompanied at the time of their entry into the United States.
- .3 Provisions in Sections 69-211.4 through 69-211.8, unaccompanied refugee minors, shall apply to unaccompanied entrant minors.

Authority Cited: Sections 10553 and 10554, welfare and Institutions Code.

Reference: ORR-AT-80-7 and 8 USC 1522.

FACE SHEET

SUBMITTED FOR REVIEW

MAR 16 1987

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 25

Office of Administrative Law

For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES
(AGENCY)

John S. McWhorter
AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 3/13/87

87-0316-1E

FILED

In the office of the Secretary of State
of the State of California

MAR 25 1987

At 5:07 o'clock P.M.

MARCH FONG EU, Secretary of State

By *John S. McWhorter*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark, Chief Regulations Development Bureau
TITLE
TELEPHONE 445-0313
2. Type of filing, (check one) ☐ 30-day Review ☒ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title _____
SECTIONS ADOPTED: 63-067
SECTIONS AMENDED: 63-301.531, 63-301.533, 63-301.534
SECTIONS REPEALED: 63-301.532
b. The following sections listed in 3a contain modifications to the text originally made available to the public: _____
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER
N/A
b. DATE OF FINAL AGENCY ACTION
March 13, 1987
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c))
N/A
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☐ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☒ Effective on 4/1/87 (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

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- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
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- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
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- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
- Part 9. Effective Dates — check one of the following:
- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
 - If an early effective date is being requested, please attach a letter specifying the date the regulation(s) should take effect and the reason for the early effective date. Requests are granted by OAL upon a showing of good cause.
 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

- *Seven (7) copies of the regulations.* Note: Use underline and strikeout to indicate changes in an existing section. For adoption of a new section, underline new text. The repeal of an entire section may be indicated by placing a diagonal slash through the text to be repealed.
- *A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400* attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- *Complete rulemaking file, with index and sworn statement.* (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

DELEGATED AUTHORITY ORDER

I hereby authorize and designate Rosalie P. Clark, Chief, Regulations Development Bureau as the agency contact person who has authority to make decisions and answer questions regarding this regulation order.

A handwritten signature in cursive script, appearing to read "Linda S. McMahon".

LINDA S. McMAHON
Director

Adopt Section 63-067 to read:

63-067 IMPLEMENTATION OF FOOD STAMP EXPEDITED SERVICE #1 63-067

On April 1, 1987 the following provisions are effective:

- .1 The amendments to Section 63-301.531 that were effective December 1, 1986 are repealed and replaced by these amendments to 63-301.531.
- .2 Sections 63-301.532 is repealed, Section 63-301.533 is renumbered to 63-301.532, and Section 63-301.534 is amended and renumbered to 63-301.533.

Authority Cited: Section 10553 and 18904, Welfare and Institutions Code.

Reference: Section 18901 and 18902, Welfare and Institutions Code.

RECEIVED FOR FILING
1987 MAR 24 PM 4:47
OFFICE OF
ADMINISTRATIVE LAW

Amend MPP Section 63-301.53 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued) 63-301

.5 Expedited Service (Continued)

.53 Processing Standards (Continued)

.531 Expedited Service Households

For households entitled to expedited service, except as specified in Sections 63-301.532 and .533, below the CWD shall make the ATP or mail coupons or the household's ATP by the close of business on the fourth calendar day following the day the application was filed or have available to the recipient either by mail or for pickup at the household's request, ATPs or coupons no later than the close of business on the fifth calendar day following the date the application was filed. For intervening weekends or holidays, the CWD shall use the following procedures: Whatever system a CWD uses to ensure meeting this delivery standard, shall be designed to allow a reasonable opportunity for redemption of ATPs no later than the fifth calendar day following the day the application was filed.

- (a) If the fifth calendar day is a Saturday, have the ATP or coupons available for pickup or mail the ATP or coupons on the previous Friday.
- (b) If the fifth calendar day is a Sunday, have the ATP or coupons available for pickup on the following Monday or mail the ATP or coupons in the earliest outgoing mail on Monday morning.
- (c) If the fifth calendar day is a holiday which falls on a Monday, have the ATP or coupons available for pickup on the following Tuesday or mail the ATP or coupons in the earliest outgoing mail on Tuesday morning.
- (d) If the fourth or fifth calendar day is a holiday which falls on a Friday, have the ATP or coupons available for pickup or mail

Authority Cited: Sections 10553 and 18904, Welfare and Institutions Code.
 Reference: Sections 10554, 18901, and 18902, Welfare and Institutions Code; and 7 CFR 273.2((1))(3)((1)).
 and 7 CFR 273.2((1))(3)((1)).

If the prescreening required in Section 63-301.52 fails to identify a household as being entitled to expedited service and the CMD subsequently discovers that the household is entitled to expedited service, the CMD shall provide expedited service to the households within the processing standards described in 63-301.531 and *532 except that the processing standards shall be calculated from the date the CMD discovers the household is entitled to expedited service and not the date the application was filed.

*533 Out-of-Office Interviews (Continued)
 *534 Late Determinations

For residents of drug addiction or alcoholic treatment and rehabilitation centers and residents of group living arrangements as defined in Section 63-492.4 who are entitled to expedited service, the CMD shall wait ATP or coupons, or have the ATP or coupons available to be picked up no later than seven working days following the date the application was filed.

*532 Drug Addicts and Alcoholics and Residents of Group Living Arrangements

the ATP or coupons on the previous Thursday.

FEB 27 1987

FACE SHEET

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING
MAR 25 1987

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

DEPARTMENT OF SOCIAL SERVICES

(AGENCY)

Leah S. McHugh
AGENCY OFFICER WITH RULEMAKING AUTHORITY

For use of Office of Adm Law

Date: March 20, 1987

FILED
In the office of the Secretary of State
of the State of California

MAR 25 1987
At 5:07 o'clock P.M.
MARCH FONG EU, Secretary of State
By *[Signature]*
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions)
Rosalie Clark, Chief Regulations Development Bureau 445-0313
TITLE TELEPHONE
2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction
3. a. Specify California Administrative Code title and sections as follows:
Title 22
SECTIONS ADOPTED:
SECTIONS AMENDED: 80007(a) and 87007(a)
SECTIONS REPEALED: 89007
b. The following sections listed in 3a contain modifications to the text originally made available to the public: 87007(a) and 80007(a)
4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)
☐ prior to the emergency adoption
☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.
5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?
☒ No ☐ Yes, if yes, give date(s) of prior submittal(s) to OAL: _____
6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?
☒ No ☐ Yes, if yes, give date statement was submitted to OAL: _____
7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)
☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
☐ Other _____ (SPECIFY AGENCY)
8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER February 28, 1986
b. DATE OF FINAL AGENCY ACTION March 20, 1987
c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) January 26 to February 10, 1987
9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)
a. ☒ Effective 30th day after filing with the Secretary of State.
b. ☐ Effective upon filing with the Secretary of State.
c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
d. ☐ Effective on _____ (Designate effective date *earlier than* 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
e. ☐ Effective on _____ (Designate effective date *later than* the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

Completed Face Sheet for Filing Regulations with the Office of Administrative Law must be attached to the front of each of the seven copies of the regulations. Note that at least one Face Sheet must contain an original signature of the agency officer with rulemaking authority.

- Part 1. Provide the name and telephone number of the person who is authorized during the review period to answer questions regarding this regulatory filing. If different than person designated in certification box, attach order delegating authority for making decisions regarding these regulations.
- Part 2. Check the appropriate box. NOTE: Nonsubstantive changes are reviewed by and are subject to OAL approval.
- Part 3 a. Provide the Administrative Code Title in which the regulation will appear and list *section* number of each regulation to be amended, adopted or repealed. *When filing a Certificate of Compliance list the section number of each emergency regulation formally adopted after completion of the rulemaking procedures of the APA.* (Attach additional sheets if necessary.)
- b. Please list the section number of each regulation which includes modifications to the text to the regulations originally made available to the public pursuant to Government Code Section 11346.5(b), and adopted, amended or repealed as modified pursuant to Government Code Section 11346.8(c). The sections listed here must correspond to the sections which were made available for 15 days pursuant to Government Code Section 11346.8(c).
- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
- Part 5. Specify date(s) and file number(s) of each prior submittal of these regulatory changes which was withdrawn or disapproved.
- Part 6. OAL has a longer time period to review regulatory changes submitted to carry out amendments and repeals which are identified in the agency's Statement of Review Completion and which have been submitted as a result of the agency's review of regulations administered by it as of June 30, 1980. Therefore, these regulatory changes should be submitted in a separate filing from any other regulatory changes. If not submitted separately, regulations not resulting from the review and any material in the rulemaking file relating to them must be clearly identified.
- Part 7. Certain regulatory activities must be reviewed and approved by other state agencies prior to submittal to OAL. Regulations subject to prior approval include:
- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
- c. If the regulations were modified subsequent to the hearing or written comment period, provide the dates during which the modified regulations were made available to the public. Note that period must be at least 15 days and must be completed prior to the date the agency adopts the modified text. All modifications must be clearly indicated.
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- A regulation or order of repeal is effective 30 days after filing with the Secretary of State unless a different date is specified below.
 - An emergency order, Certificates of Compliance or nonsubstantive change is effective upon filing with the Secretary of State unless a later date is specified below.
 - If an effective date other than specified above is required or allowed by statute, provide the date and the statutory citations(s).
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 - If an effective date later than specified above is requested, provide the date.

FILING REQUIREMENTS

The following material must be submitted when filing regulations with OAL:

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- A completed Face Sheet for filing regulations with the Office of Administrative Law, Form STD 400 attached to the front of each copy of the regulations, with at least one Face Sheet bearing an original signature.
- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Chapter 1 General Licensing Requirements

Amend MPP Section 80007(a) to read:

80007 EXEMPTION FROM LICENSURE

80007

(a) The community care facility regulations contained in this division shall not apply to any of the following: (Continued)

(14) A home which meets all of the following criteria:

- (A) approved by a licensed adoption agency, or the Department, for the adoptive placement of a child, and
- (B) the child is legally free for adoption, and
- (C) the agency or the Department is providing supervision of the placement pending finalization of the adoption.

HANDBOOK NOTE: Being exempt from licensure does not preclude a home from being licensed.

(15) A home which meets all of the following criteria:

- (A) placement for adoption by a birth parent, and
- (B) a petition for adoption has been filed by the prospective adoptive parents, and is pending, and
- (C) a final decision on the petition has not been rendered by the court.

HANDBOOK NOTE: Being exempt from licensure does not preclude a home from being licensed.

(16) Any placement agency as defined in Health and Safety Code Section 1536.1 or an individual who places individuals for care in a facility licensed to receive and care for such persons.

(17) A county probation or welfare department which places children in certified license pending homes as set forth in Section 87007.1.

(18) The Department.

(149) Any similar facility as determined by the Director.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1502, 1505, 1508, 1530, 1530.5, and 1536.1, Health and Safety Code; Civil Code Sections 226.2, 226.5, and 226.6; and Welfare and Institutions Code Sections 362, 727, and 16100.

Chapter 7.5 Foster Family Homes

Amend Section 87007 to read:

87007 EXEMPTION FROM LICENSURE

87007

(a) The provisions of this chapter shall not apply to the following:

(b) Any facility specified in Health and Safety Code Section 1595

(c) Health and Safety Code Section 1595 lists the following facilities:

- (1) Any health facility, as defined in Section 1250 of the Health and Safety Code.
- (2) Any clinic, as defined in Section 1202 of the Health and Safety Code.
- (3) Any family day care home providing care for the children of only one family, in addition to the operator's own children.
- (4) Any juvenile placement facility approved by the California Youth Authority or any juvenile hall operated by a county.
- (5) Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend on prayer or spiritual means for healing in the practice of the religion of such church or denomination.
- (6) Any school dormitory or similar facility where all of the following conditions exist:
 - (A) The school is certificated/registered by the State Department of Education.
 - (B) The school and the school dormitory are on the same grounds.
 - (C) All children accepted by the school are six years of age or older.

- (D) The program operates only during normal school terms unless the academic program runs year-round.
 - (E) The school's function is educational only.
 - (F) The school program is not designated as providing rehabilitative or treatment services.
 - (G) The school's function does not promote intent to provide community care services, and the facility does not accept children who are in need of such services, including but not limited to children with developmental disabilities, mental disorders or physical handicaps; juveniles declared dependents of the court under Welfare and Institutions Code Section 300; and juveniles declared wards of the court under Welfare and Institutions Code Sections 601 and 602.
 - (H) The facility does not receive any public funds designated for care including but not limited to AFDC-FC and SSI/SSP. The facility shall be permitted to receive public funds intended for educational programs.
 - (I) No public or private agency, including but not limited to county welfare departments and probation offices, provides social services to children in the facility.
- (7) Any house, institution, hotel, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision, as defined in Section 87001(a)(7).
 - (8) Any recovery houses or other similar facility providing a group living arrangement for persons recovering from alcoholism or drug addiction which provides no element of care and supervision, as defined in Section 87001(a)(7).
 - (9) Any cooperative arrangement between parents for the day care of their children by one or more of the parents where no payment for the day care is involved, including but not limited to the exchange of child day care services between two or more families.
 - (10) Any care and supervision of persons by a relative, guardian or conservator.

(11) Any care and supervision of persons from only one family by a close friend of the parent, guardian or conservator, provided that such arrangement is not for financial profit and does not exceed 10 hours per week.

(A) Provision of longer hours of care shall not be precluded when provided for brief periods of time for reasons, including but not limited to family emergencies, vacation, and military leave.

(12) Any facility exclusively used by a licensed or exempt homefinding agency and issued a certificate of approval by that agency.

(A) Such families shall not be required to obtain a license, but shall be in compliance with all other requirements set forth in this division. The facility's compliance with requirements shall be monitored through and assured by the homefinding agency. For the purposes of this section, an exclusive use-facility shall mean a nonlicensed residential facility that has been approved by a licensed homefinding agency as conforming to the regulations pertaining to the Family Home Category. A facility in the exclusive use of a licensed homefinding agency shall accept only those children placed by that agency which approved the home.

(13) A home which meets all of the following criteria:

(A) approved by a licensed adoption agency, or the Department, for the adoptive placement of a child, and

(B) the child is legally free for adoption, and

(C) the agency or the Department is providing supervision of the placement pending finalization of the adoption.

HANDBOOK

NCTE: Being exempt from licensure does not preclude a home from being licensed.

(14) A home which meets all of the following criteria:

(A) placement for adoption by a birth parent, and

(B) a petition for adoption has been filed by the prospective adoptive parents, and is pending, and

(C) a final decision on the petition has not been rendered by the court.

NOTE: Being exempt from licensure does not preclude a home from being licensed.

(135) Any similar facility as determined by the Director.

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1505, 1506, 1509, 1530, 1530.5, and 1536.1, Health and Safety Codes; Civil Code Sections 226.2, 226.5, and 226.6; and Welfare and Institutions Code Sections 362, 727 and 16100.

Chapter 9 Homefinding and Adoption Agencies

Repeal Section 89007

89007 EXEMPTION FROM LICENSURE

89907

(a) The provisions of this article shall not apply to the following:

(1) A county welfare department which places children for care in a facility licensed to receive and care for children.

(2) A county probation department which places children for temporary care in a facility licensed to receive and care for children.

(3) A county probation department which pursuant to Section 727(c) of the Welfare and Institutions Code places children for temporary care in a family home which is not licensed by the Department if:

(A) The home is certified by the probation department as meeting minimum standards of the Department; and

(B) The foster parents have made application for a license and licensing of said home pursuant to Department regulations is pending.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1501, 1505, 1506, 1530, and 1531, Health and Safety Code.

FACE SHEET

(See Instructions on Reverse)

SUBMITTED FOR REVIEW
87-0226-3R

FEB 26 1987

OFFICE OF ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

MAR 3 1 1987

Office of Administrative Law
For use of Office of Adm Law

FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION: I hereby certify that the attached are true and correct copies of regulations adopted, amended or repealed by this agency and that the information specified on this Face Sheet is true and correct.

Department of Social Services

(AGENCY)

AGENCY OFFICER WITH RULEMAKING AUTHORITY

Date: 2/24/87

RDB #0285-13

FILED

In the office of the Secretary of State
of the State of California

MAR 3 1 1987

At 4:48 o'clock P.M.

MARCH FONG EU, Secretary of State

By: [Signature]
Deputy Secretary of State

For use by Secretary of State only

1. AGENCY CONTACT PERSON FOR THIS FILING (See instructions) TITLE TELEPHONE

Rosalie Clark Chief, Regulations Development Bureau

445-0313

2. Type of filing, (check one) ☒ 30-day Review ☐ Emergency ☐ Certificate of Compliance (Complete Part 4 below)
- ☐ Regulatory changes resulting from Govt. Code 11349.7 review (Complete Part 6 below)
- ☐ Nonsubstantive changes with nonregulatory effect ☐ Printing Error Correction

3. a. Specify California Administrative Code title and

Title 22

SECTIONS ADOPTED:

SECTIONS AMENDED: 10247

SECTIONS REPEALED: 10247

APPROVED

- b. The following sections listed in 3a contain modifications to the text originally made available to the public: 10247

4. CERTIFICATE OF COMPLIANCE (Government Code Section 11346.1(e): The above-named agency officer certifies that this agency complied with the provisions of Government Code Sections 11346.4-11346.8. (Check one)

- ☐ prior to the emergency adoption
- ☐ within 120 days of the effective date of the emergency adoption of the above-referenced regulations.

5. Is this filing a resubmittal of a previously disapproved or withdrawn regulation?

☐ No ☒ Yes, if yes, give date(s) of prior submittal(s) to OAL: September 30, 1986

6. Is the filing submitted to carry out amendments or repeals identified in the statement of review completion submitted as a result of the agency's review of regulations administered by it as of June 30, 1980?

☒ No ☐ Yes, if yes, give date statement was submitted to OAL

7. If these regulations required prior review and approval or concurrence by any of the following agencies, check appropriate box(es)

- ☐ Fair Political Practices Commission (Include FPPC approval stamp) ☐ Building Standards Commission (Attach approval)
- ☐ State Fire Marshall (Attach approval) ☐ Department of Finance (Attach properly signed Std. 399)
- ☐ Other

(SPECIFY AGENCY)

8. a. PUBLICATION DATE OF NOTICE IN CALIFORNIA ADMINISTRATIVE NOTICE REGISTER December 20, 1985

b. DATE OF FINAL AGENCY ACTION February 24, 1987

c. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOVT. CODE SEC. 11346.8(c)) February 4--February 20, 1987

9. Effective date of regulatory changes: (See Government Code Section 11346.2 and instructions on reverse)

- a. ☒ Effective 30th day after filing with the Secretary of State.
- b. ☐ Effective upon filing with the Secretary of State.
- c. ☐ Effective on _____ as required or allowed by the following statute(s): _____
- d. ☐ Effective on _____ (Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Govt. Code Sect. 11346.2(d).)
- Attach request demonstrating good cause for early effective date. Request subject to OAL approval.
- e. ☐ Effective on _____ (Designate effective date later than the normal effective date for the type of order filed.)

INSTRUCTIONS FOR STD 400

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- Part 4. Check appropriate box as necessary to comply with the requirements of Government Code Section 11346.1(e).
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- Fire and panic safety regulations (Govt. Code Sec. 11342.3.).
 - Building standards as defined in Section 18909 of the Health and Safety Code (Govt. Code Sec. 11343).
 - Conflict of Interest regulations (Title 2 California Admin. Code Section 18750(i)).
- Note: Where regulations have a fiscal impact on state, local or federal government or result in reimbursable costs to local government or school districts the fiscal impact statement must be reviewed, approved and signed by the Department of Finance before the regulations will be accepted for filing by OAL. See Government Code Sections 11349.1, 11346.5(a)(6), and S.A.M. sections 6050-6057.
- Part 8 a. Provide the publication date of the Notice Register in which the notice of proposed action appeared.
- b. Provide the date on which the regulatory agency adopted the regulatory changes.
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- Complete rulemaking file, with index and sworn statement. (See Govt. Code Sec. 11347.3 for full list of rulemaking contents.)

Amend Section 102417 to read:

102417 OPERATION OF A FAMILY DAY CARE HOME (Continued) 102417

(a) through (g) (Continued)

(h) Only drivers licensed for the type of vehicle to be operated shall be permitted to transport children in care.

(i) The manufacturer's rated seating capacity of the vehicle shall not be exceeded.

(j) Motor vehicles used to transport children in care shall be maintained in safe operating condition.

(k) All vehicle occupants must be secured in a restraint system.

(1) When transporting infants in any motor vehicle, the licensee shall secure the infants in a car seat, designed for infants, which is secured in the vehicle in accordance with manufacturer's instructions.

Authority Cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.72, 1596.73 and 1597.30, Health and Safety Code.

RECEIVED FOR FILING
1987 MAR 31 AM 11:53
OFFICE OF
ADMINISTRATIVE LAW